IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ALLERGAN, INC., and ALLERGAN SALES, LLC., Plaintiffs, v. ALCON INC., ALCON LABORATORIES, INC., and ALCON RESEARCH, LTD., Defendants.	Civil Action No: 04-968-GMS

JOINT STIPULATION AND ORDER RE EXPERT REPORTS AND EXPERT DISCOVERY

WHEREAS, the parties jointly desire to accommodate the schedules of several witnesses who have been noticed for deposition in the action;

WHEREAS, the parties require a change in the Scheduling Order in order to permit the completion of fact depositions in advance of serving expert reports;

WHEREAS, the Scheduling Order does not permit the filing of any further motions or otherwise contemplate the involvement of the Court in the remaining pre-trial preparations set forth in the Scheduling Order until after the submission of motions *in limine* and the Joint Pre-Trial Order (currently set to be filed on January 9, 2006);

WHEREAS, as a result, the parties accordingly respectfully submit that changing the dates for exchanging expert reports as set forth below will not impact the Court in its pre-trial preparations; and

WHEREAS, the parties have agreed that any amended dates for exchanging expert reports shall not change, and shall not be cited by the parties as a reason to change, the trial date or the other remaining pre-trial dates,

NOW, THEREFORE, THE PARTIES hereby stipulate and agree, subject to the approval of the Court, as follows:

a. The parties shall exchange opening expert reports on or before September 29, 2005;

b. The parties shall exchange rebuttal expert reports on or before October 17, 2005;

c. Expert discovery shall be completed on or before November 17, 2005;

d. Neither party may use the extension contemplated herein as basis to delay the trial date; and

e. Alcon may not use the granting of this extension to support its pending motion for leave to amend its Answer.

AGREED TO BY:

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SO ORDERED this ___ day of _____, 2005:

_____
United States District Judge

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