

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CORTEVA AGRISCIENCE LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 22-1046-GBW
	)	
MONSANTO COMPANY and BAYER	)	REDACTED VERSION
CROPSCIENCE LP,	)	
	)	
Defendants.	)	

**STIPULATION AND [PROPOSED] ORDER FOR LEAVE TO FILE
FIRST AMENDED COMPLAINT AND TO AMEND SCHEDULING ORDER**

Plaintiff Corteva Agriscience LLC (“Corteva”) and Defendants Monsanto Company and Bayer CropScience LP (collectively, “Defendants”), by and through their undersigned counsel, hereby stipulate and agree to the filing of a First Amended Complaint by Corteva. A clean version of Corteva’s First Amended Complaint is attached as Exhibit A. A redlined version showing changes from the original complaint is attached as Exhibit B. Upon the Court granting the stipulation, Corteva shall file its First Amended Complaint as a separate docket entry.

As a condition of the filing of the First Amended Complaint, which adds two additional asserted patents (U.S. Patent No. 11,149,283 and U.S. Patent No. 11,299,745), the parties agree to amend the Scheduling Order (D.I. 25) as indicated in the chart and bullet-points below.

EVENT	CURRENT DEADLINE	PROPOSED DEADLINE
Plaintiff to Provide Supplemental Initial Infringement Chart(s) for the '283 and '745 Patents	N/A	April 17, 2023
Plaintiff to Respond to and Provide Proposed Constructions for Terms Identified by Defendants on March 31, 2023	N/A	April 21, 2023
Defendants to Provide Supplemental Initial Invalidity Contentions for the '283 and '745 Patents	N/A	May 17, 2023

Exchange of Supplemental List of Claim Terms and Proposed Constructions for the '283 and '745 Patents	N/A	May 24, 2023
Respond to and Provide Proposed Constructions for Any Terms for which the Party Did Not Initially Provide a Construction on May 24, 2023	N/A	June 2, 2023
Joint Claim Construction Chart Due (¶ 8)	April 28, 2023	June 9, 2023
Deadline to Submit Technology Tutorial (¶ 7)	April 28, 2023	June 9, 2023
Substantial Completion of Document Production related to the '283 and '745 patents	N/A	July 14, 2023
Last Day to Join Other Parties and Amend Pleadings (¶ 2)	April 28, 2023	July 14, 2023
Plaintiff to Provide Final Infringement Contentions (¶ 3(e))	May 5, 2023	September 1, 2023
Deadline for Plaintiff to Supplement Identification of All Accused Products (¶ 12)	May 5, 2023	September 1, 2023
Defendants to Provide Final Invalidity Contentions (¶ 3(f))	May 12, 2023	September 22, 2023
Deadline for Defendants to Supplement Invalidity References (¶ 12)	May 12, 2023	September 22, 2023
Plaintiff's Opening Claim Construction Brief (¶ 9)	May 12, 2023	June 9, 2023
Defendants' Answering Claim Construction Brief (¶ 9)	June 2, 2023	June 30, 2023
Fact Discovery Cut-Off (¶ 4(a))	June 7, 2023	September 22, 2023
Plaintiff's Reply Claim Construction Brief (¶ 9)	June 23, 2023	July 14, 2023
Defendants' Sur-Reply Claim Construction Brief (¶ 9)	July 14, 2023	July 28, 2023
Filing of Joint Claim Construction Brief (¶ 9)	July 21, 2023	August 2, 2023
Deadline to Request Leave to Present Testimony at Claim Construction Hearing and Inform Court of Time Needed for Hearing (¶ 10)	July 21, 2023	July 28, 2023
Hearing on Claim Construction (¶ 10)	August 17, 2023 at 10:00 a.m.	No change
Opening Expert Reports for Party Having Initial Burden of Proof (¶ 4(f)(i))	October 20, 2023	No change
Rebuttal Expert Reports (¶ 4(f)(i))	November 20, 2023	No change
Reply Expert Reports for Party Having Initial Burden of Proof (¶ 4(f)(i))	December 20, 2023	No change
Expert Discovery Cut-Off (¶ 4(f)(iii))	January 19, 2024	No change
Case Dispositive Motions (Opening Briefs) (¶ 14(a))	February 23, 2024	No change
Answering Case Dispositive Briefs (¶ 14(a))	March 22, 2024	No change
Reply Case Dispositive Briefs (¶ 14(a))	April 5, 2024	No change

Deadline to File Proposed Voir Dire, Preliminary Jury Instructions, and Final Jury Instructions (¶ 21)	7 business days before the Pretrial Conference	No change
Deadline to File Joint Proposed Final Pretrial Order (¶ 20)	7 business days before the Pretrial Conference	No change
Pretrial Conference (¶ 20)	July 2, 2024 at 1:00 p.m.	No change
Trial (¶ 22)	July 22, 2024 at 9:30 a.m.	No change

- Paragraph 4(c): A maximum of 35 requests for admission shall be permitted for each side.
- Paragraph 4(d)(1): A maximum of 40 interrogatories, including contention interrogatories, shall be permitted for each side. All interrogatories served prior to April 14, 2023 and which are directed to the '555 patent will be supplemented to address the '283 and '745 patents.
- Paragraph 4(e)(1): Each side is limited to a total of 110 hours of taking testimony by deposition of fact witnesses upon oral examination, including depositions under Rule 30(b)(6) and deposition of third parties (other than experts), with each deposition being limited to 7 hours.
- The parties agree that reasonable limits shall apply to the number of asserted claims and the number of invalidity references and prior-art combinations, including limits that shall apply in advance of expert discovery. By August 3, 2023, the parties shall meet and confer as to what those limits shall be. If, by August 10, 2023 no resolution is reached as to what those limits are, the parties shall present the dispute to the Court for resolution at the Hearing on Claim Construction, which is scheduled for August 17, 2023.

The parties further agree that both parties will have the opportunity to propose a reasonable number of additional search terms under the Default Standard in light of the addition of the new patents, subject to objections.

Dated: April 17, 2023

Morris, Nichols, Arsht & Tunnell LLP

/s/ Rodger D. Smith II

Jack B. Blumenfeld (No. 1014)
Rodger D. Smith II (No. 3778)
Derek J. Fahnestock (No. 4705)
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899
(302) 658-9200
jblumenfeld@morrisnichols.com
rsmith@morrisnichols.com
dfahnestock@morrisnichols.com

OF COUNSEL:

Dov P. Grossman
Alexander S. Zolan
Jessica Palmer Ryen
Min Kyung Jeon
Williams & Connolly LLP
680 Maine Avenue, S.W.
Washington, DC 20024
(202) 434-5000

*Attorneys for Defendants
Monsanto Company and
Bayer CropScience LP*

Barnes & Thornburg, LLP

/s/ Chad S.C. Stover

Chad S.C. Stover (No. 4919)
222 Delaware Avenue, Suite 1200
Wilmington, DE 19801-1054
(302) 300-3474
chad.stover@btlaw.com

OF COUNSEL:

Michael J. Flibbert
Pier D. DeRoo
Kassandra M. Officer
Rachael P. Dippold
Meredith H. Boerschlein
Finnegan, Henderson, Farabow,
Garrett & Dunner, LLP
901 New York Avenue, N.W.
Washington, DC 20001
(202) 408-4000

*Attorneys for Plaintiff Corteva
Agriscience LLC*

IT IS SO ORDERED, this _____ day of _____, 2023.

The Honorable Gregory B. Williams
United States District Judge