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Attorneys for Defendant,
BIOGEN INC.

10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA
12 SACRAMENTO DIVISION

15 IXCHEL PHARMA, LLC,

16 Plaintiff,

17 v.

18 BIOGEN INC.,

19 Defendant.

Case No. 2:17-cv-00715-WBS-EFB

**STIPULATION AND [PROPOSED]
ORDER ON BRIEFING AND HEARING
SCHEDULE REGARDING RESPONSE
TO FIRST AMENDED COMPLAINT**

22 **STIPULATION**

23 Plaintiff Ixchel Pharma, LLC (“Ixchel”) and Defendant Biogen Inc. (“Biogen”), by and
24 through their undersigned counsel, hereby stipulate and agree that:
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26 WHEREAS, Ixchel filed its Complaint on April 4, 2017;

27 WHEREAS, the Court granted the parties’ Stipulation and Proposed Order on Briefing
28 Schedule, Hearing, and Initial Scheduling Conference on April 20, 2017;

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WHEREAS, Biogen filed its Motion to Dismiss the Complaint on May 24, 2017;

WHEREAS, Ixchel filed a First Amended Complaint on June 14, 2017;

WHEREAS, in light of the pre-existing schedules of Biogen’s counsel, Ixchel and Biogen have agreed, subject to the Court’s approval, to enlarge Biogen’s time to respond to the First Amended Complaint and to adjust related briefing and hearing deadlines as set forth below;

WHEREAS, one prior extension of time has been granted by stipulation, and the parties’ agreed time modifications would not affect the date of the initial scheduling conference;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED THAT:

1. Biogen’s previously-filed Motion to Dismiss the Complaint (Dkt. No. 16) is now moot in light of Ixchel’s filing of its First Amended Complaint, and the previously-scheduled August 21, 2017 hearing date for that motion shall be taken off the Court’s calendar.
2. Biogen shall file and serve a motion to dismiss, answer, or other response to the First Amended Complaint by July 21, 2017.
3. Ixchel shall file and serve its opposition to Biogen’s motion to dismiss the First Amended Complaint by August 11, 2017.
4. Biogen shall file and serve its reply in support of its motion to dismiss the First Amended Complaint by August 25, 2017.
5. Ixchel shall not move for a default judgment on the basis that Biogen has not filed and served a response to the First Amended Complaint by the original deadline of June 28, 2017.
6. The hearing on the motion to dismiss the First Amended Complaint filed by Biogen shall be noticed for hearing on September 5, 2017 at 1:30 pm.
7. The date of the initial scheduling conference shall remain September 25, 2017 at 1:30 pm. A Joint Status Report shall be filed no later than September 11, 2017.

1 **SO STIPULATED AND AGREED TO BY:**

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Dated: June 16, 2017

/s/ Rocky C. Tsai

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Attorneys for Defendant,
BIOGEN INC.

Dated: June 16, 2017

/s/ Christopher D. Banys (as authorized on 6/15/17)


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Attorneys for Plaintiff,
IXCHEL PHARMA, LLC

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: June 16, 2017



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on June 16, 2017, I have caused a true and accurate copy of this document to be served upon counsel for the Plaintiff below via electronic service as set forth in the CM/ECF procedures of this Court:

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