1 2	Christopher D. Banys (CSB #230038) Richard C. Lin (CSB #209233)	Mark S. Popofsky (CSB #175476) ROPES & GRAY LLP	
2 3	Jennifer L. Gilbert (CSB #255820) BANYS, P.C. 1032 Elwell Court, Suite 100	2099 Pennsylvania Avenue, NW Washington, DC 20006-6807 mark.popofsky@ropesgray.com	
4	Palo Alto, CA 94303 cdb@banyspc.com	(202) 508-4600	
5	rcl@banyspc.com jlg@banyspc.com	Rocky C. Tsai (CSB #221452) ROPES & GRAY LLP	
6	(650) 308-8505	Three Embarcadero Center San Francisco, CA 94111-4006	
7	Attorneys for Plaintiff, IXCHEL PHARMA, LLC	rocky.tsai@ropesgray.com (415) 315-6300	
8		Attorneys for Defendant, BIOGEN INC.	
9			
10	UNITED STATES DISTRICT COURT		
11 12	EASTERN DISTRICT OF CALIFORNIA		
12 13	SACRAMENTO DIVISION		
14			
15		Case No. 2:17-cv-00715-WBS-EFB	
16	IXCHEL PHARMA, LLC,	STIPULATION AND [PROPOSED] ORDER RE: (1) BRIEFING AND	
17	Plaintiff,	HEARING SCHEDULE FOR MOTION TO DISMISS SECOND AMENDED	
18	v.	COMPLAINT; AND (2)	
19	BIOGEN INC.,	CONTINUANCE OF INITIAL SCHEDULING CONFERENCE	
20	Defendant.		
21			
22			
23 24	STIPULATION		
24	Plaintiff Ixchel Pharma, LLC ("Ixchel") and Defendant Biogen Inc. ("Biogen"), through their undersigned counsel, hereby respectfully stipulate and agree that:		
26		117, the Court issued its Order granting Biogen's	
27		e First Amended Complaint and giving Ixchel an	
28	opportunity to file a Second Amended Com		

1	WHEREAS, Ixchel filed its Second Amended Complaint on October 2, 2017 (Dkt. No.
2	34);
3	WHEREAS, the initial scheduling conference in this action is currently on calendar for
4	November 6, 2017 (Dkt. No. 31);
5	WHEREAS, in light of the above and in light of the parties' schedules and the available
6	hearing dates, Ixchel and Biogen have agreed, subject to the Court's approval, to a briefing and
7	hearing schedule for Biogen's motion to dismiss the Second Amended Complaint, and to a
8	continued date for the initial scheduling conference;
9	NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED THAT:
10	The briefing and hearing schedule for Biogen's motion to dismiss the Second Amended
11	Complaint shall be as follows:
12	Biogen's Opening Brief will be filed by October 23, 2017
13	Ixchel's Opposition Brief will be filed by November 13, 2017
14	Biogen's Reply Brief will be filed by November 30, 2017
15	The hearing date shall be noticed for January 8, 2018 at 1:30 p.m. Pacific Time.
16	The initial scheduling conference currently on calendar for November 6, 2017 shall be
17	continued to January 29, 2018 at 1:30 p.m. Pacific Time. The parties shall file their joint status
18	report by no later than January 15, 2018.
19 20	
20	
21 22	
22	
23 24	
25	
23 26	
20	
28	

1	SO STIPULATED AND AGREED T	O BY:
2		
3	Dated: October 3, 2017	_/s/ Rocky C. Tsai
4		Rocky C. Tsai (CSB #221452) ROPES & GRAY LLP
5		Three Embarcadero Center San Francisco, CA 94111-4006
6		rocky.tsai@ropesgray.com (415) 315-6300
7		Mark S. Popofsky (CSB #175476)
8		ROPES & GRAY LLP 2099 Pennsylvania Avenue, NW
9		Washington, DC 20006-6807 mark.popofsky@ropesgray.com (202) 508-4600
10 11		Attorneys for Defendant, BIOGEN INC.
12		
13	Dated: October 3, 2017	/s/ Richard C. Lin (as authorized on 10/3/17)
14		Christopher D. Banys (CSB #230038)
15		Richard C. Lin (CSB #209233) Jennifer L. Gilbert (CSB #255820)
16		BANYS, P.C.
17		1032 Elwell Court, Suite 100 Palo Alto, CA 94303
18		cdb@banyspc.com rcl@banyspc.com
19		jlg@banyspc.com
20		(650) 308-8505
21		Attorneys for Plaintiff, IXCHEL PHARMA, LLC
22		- , -
23		
24		
25		
26		
27		
28		

1	ORDER	
2	PURSUANT TO STIPULATION, IT IS SO ORDERED.	
3	Dated: October 6, 2017	
4	Milliam Va Shabt	
5	WILLIAM B. SHUBB UNITED STATES DISTRICT JUDGE	
6 7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		

1	CERTIFICATE OF SERVICE
2	
3	I hereby certify that on October 3, 2017, I have caused a true and accurate copy of this
4	document to be served upon counsel for the Plaintiff below via electronic service as set forth in
5	the CM/ECF procedures of this Court:
6	
7	Christopher D. Banys (CSB #230038) Richard C. Lin (CSB #209233)
8	Richard C. Lin (CSB #209233) Jennifer L. Gilbert (CSB #255820) BANYS, P.C.
9	Palo Alto, California 94303
10	cdb@banyspc.com rcl@banyspc.com jlg@banyspc.com
11	Jlg@banyspc.com (650) 308-8505
12	
13	<u>_/s/ Rocky C. Tsai</u> Rocky C. Tsai
14	
15	
16	
17	
18	
19 20	
20	
21	
22 23	
23 24	
24	
23 26	
20	
28	