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Attorneys for Defendant,
BIOGEN INC.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

IXCHEL PHARMA, LLC,

Plaintiff,

v.

BIOGEN INC.,

Defendant.

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

**STIPULATION AND ORDER RE
ENTRY OF FINAL JUDGMENT**

STIPULATION

Plaintiff Ixchel Pharma, LLC (“Ixchel”) and Defendant Biogen Inc. (“Biogen”), through their undersigned counsel, hereby respectfully stipulate and agree that:

WHEREAS, on January 25, 2018, the Court issued its Order granting Biogen’s motion to dismiss as to all claims in the Second Amended Complaint (Dkt. No. 48) (“Dismissal Order”);

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WHEREAS, in its Dismissal Order, the Court held that any further amendment as to Ixchel’s first, second, third, and fourth claims would be futile, but granted Ixchel an opportunity to file a Third Amended Complaint to amend its fifth claim against Biogen under California Unfair Competition Law if it could do so consistent with the Dismissal Order;

WHEREAS, Ixchel will not be filing a Third Amended Complaint, but Ixchel intends to pursue an appeal of the Dismissal Order;

WHEREAS, in light of the above, Ixchel and Biogen agree that final judgment should be entered against Ixchel and in favor of Biogen as to all claims in the Second Amended Complaint, with Ixchel reserving its right to appeal.

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

1. The Court enter a final judgment against Ixchel and in favor of Biogen as to all claims asserted by Ixchel in the Second Amended Complaint.
2. For avoidance of doubt, Ixchel agrees to entry of final judgment because of the adverse rulings of the Court, and it expressly reserves its right to appeal the final judgment and all the orders and decisions in this case that are appealable.
3. The initial scheduling conference on February 26, 2018, and the deadline for the parties to file an amended joint status report on February 12, 2018, are hereby vacated and taken off calendar.

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SO STIPULATED AND AGREED TO BY:

Dated: February 7, 2018

/s/ Christopher D. Banys

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Dated: February 7, 2018

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Attorneys for Defendant,
BIOGEN INC.

ORDER RE ENTRY OF FINAL JUDGMENT

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: February 9, 2018



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was filed electronically through the Court’s CM/ECF system on February 7, 2018 in compliance with L.R. 133. Therefore, this document was served on the following counsel for Defendant who are deemed to have consented to electronic service:

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/s/ Tiffany Dang _____
Tiffany Dang