

United States District Court  
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EXONHIT THERAPEUTICS S.A., a  
French société anonyme, and EXONHIT  
THERAPEUTICS, INC., a Delaware  
corporation,

Plaintiffs,

v.

JIVAN BIOLOGICS, INC. a Delaware  
corporation,

Defendant.

No. C 07-01427 WHA

**ORDER DENYING PROPOSED  
EXTENSION TO DEPOSITION  
AND BRIEFING SCHEDULE,  
AND SCHEDULING CASE  
MANAGEMENT CONFERENCE**

On January 14, 2010, the undersigned set forth a deposition and briefing schedule to address the issue of whether the claims of the patent-in-suit have been “substantively changed.” The schedule set the deadline of January 29 for the depositions of the parties’ respective experts, February 11 as the deadline for the submission of briefs, and February 25 for the hearing on this issue. The parties, however, waited until the end of the day on January 29 before requesting a two-week extension to all deadlines due to “scheduling conflicts.” Depositions, apparently, have not been taken by either side.


The parties will have until **FRIDAY, FEBRUARY 12, 2010**, to complete their respective depositions. Briefs will be due shortly thereafter by **NOON ON THURSDAY, FEBRUARY 18, 2010**. The hearing on this issue will be rescheduled for **MARCH 4, 2010, AT 8:00 A.M.**

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No further extensions will be granted to any of these deadlines. Additionally, the parties are warned not to wait until a court-ordered deadline has passed before requesting extensions in the future. Such requests will be denied. For efficiency's sake, a case management conference is hereby set for **MARCH 4, 2010, AT 11:00 A.M.** to set a schedule moving forward. The parties must file a joint case management statement no later than **NOON ON FEBRUARY 25, 2010.**

**IT IS SO ORDERED.**

Dated: February 1, 2010.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE