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15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA
 17 SAN FRANCISCO DIVISION

18 GENENTECH, INC. and BIOGEN IDEC
 INC.,

19 Plaintiffs,

20 vs.

21 SANOFI-AVENTIS DEUTSCHLAND
 22 GMBH, SANOFI-AVENTIS U.S. LLC, and
 SANOFI-AVENTIS U.S. INC.,

23 Defendants.

CASE NO. 3:08-cv-04909-SI

STIPULATION AND [PROPOSED] ORDER
 SHORTENING BRIEFING AND HEARING
 SCHEDULE FOR PLAINTIFFS' MOTION
 FOR LEAVE TO CONDUCT LIMITED
 DISCOVERY TO RESPOND TO
 DEFENDANTS' MOTIONS TO DISMISS

1 Pursuant to Civil Local Rule 6-2, Plaintiffs Genentech, Inc. and Biogen Idec, Inc. and
2 Defendants Sanofi-Aventis Deutschland GmbH (“Sanofi-Aventis Germany”), Sanofi-Aventis U.S.
3 LLC, and Sanofi-Aventis U.S. Inc. jointly request that the Court enter the accompanying proposed
4 order shortening the time for briefing and hearing on Plaintiffs’ Motion for Leave to Conduct
5 Limited Discovery to Respond to Defendants’ Motions to Dismiss.

6 1. Reason for Request

7 On October 27, 2008, Plaintiffs filed their Complaint for declaratory judgment that they do
8 not infringe U.S. Patent Nos. 5,849,522 and 6,218,140 and that the patents are invalid. On
9 December 2, 2008, Sanofi-Aventis Germany filed a Motion to Dismiss for Lack of Personal
10 Jurisdiction based on a lack of minimum contacts with the forum. On the same date, Sanofi-
11 Aventis U.S. LLC and Sanofi-Aventis U.S. Inc. filed a Motion to Dismiss for Lack of Subject
12 Matter Jurisdiction and Failure to State a Claim based on a lack of legal interest in the patents-in-
13 suit. The hearing on Defendants’ motions to dismiss is currently set for 9:00 a.m. on Friday,
14 January 30, 2009. Pursuant to Local Rule 7-3, Plaintiffs’ oppositions are currently due on January
15 9, 2009.

16 Plaintiffs have requested jurisdictional discovery in advance of filing their oppositions to
17 the motions to dismiss; Defendants have consented to allowing certain discovery related to
18 personal jurisdiction and subject matter jurisdiction arising out of the motions. To allow sufficient
19 time for such jurisdictional discovery, the parties already have stipulated to, and on January 6,
20 2009 requested that the Court enter an order vacating the January 30, 2009 date for hearing on
21 Defendants’ motions to dismiss and related briefing deadlines, and rescheduling the briefing and
22 hearing schedule after the completion of jurisdictional discovery. (D.N. 31.)

23 The parties have agreed on some, but not all aspects of the scope of permissible
24 jurisdictional discovery. Accordingly, Plaintiffs will be filing today a Motion for Leave to
25 Conduct Limited Discovery to Respond to Defendants’ Motions to Dismiss. The parties agree that
26 resolving this motion in an expedited fashion will facilitate the prompt completion of jurisdictional
27 discovery and the resolution of Defendants’ motions to dismiss. Therefore, the parties also agree,
28 if the Court approves, that Defendants would file their opposition to Plaintiffs’ Motion for Leave

1 to Conduct Limited Discovery no later than January 23, 2009, Plaintiffs would file their reply no
2 later than January 30, 2009, and the hearing would be scheduled for February 6, 2009.

3 2. Prior Time Modifications

4 The parties previously stipulated to a 15-day extension of time for Defendants to respond
5 to Plaintiffs' complaint. (D.N. 11.) Additionally, by Court order, the Court set the hearing date on
6 Defendants' Motion to Dismiss for January 30, 2009. (D.N. 30.) On January 6, the parties
7 separately stipulated to and requested that the Court enter an order vacating the January 30, 2009
8 hearing date on Defendant Sanofi-Aventis Deutschland GmbH's Motion to Dismiss for Lack of
9 Personal Jurisdiction and Defendants Sanofi-Aventis U.S. LLC's and Sanofi-Aventis U.S. Inc.'s
10 Motion to Dismiss for Lack of Subject Matter Jurisdiction and Failure to State a Claim and
11 permitting Plaintiffs to file their brief opposing the Motions to Dismiss fourteen (14) calendar
12 days after the close of jurisdictional discovery, and Defendants would file their reply brief seven
13 (7) calendar days after the opposition is filed, and the parties would request from the Court the
14 earliest available hearing date. (D.N. 31.)

15 3. Effect of Requested Modification

16 The requested extension will have no effect on the rest of the schedule in this action.

17 So stipulated.

18 NOW, THEREFORE, the parties to this action, through their respective counsel of record,
19 AGREE AND HEREBY STIPULATE, if agreeable to the Court, to shorten the time for hearing
20 on and briefing of Plaintiffs' Motion for Leave to Conduct Limited Discovery to Respond to
21 Defendants' Motions to Dismiss, such that the hearing would be scheduled for February 6, 2009,
22 with Defendants' brief in opposition due by January 23, 2009 and Plaintiffs' reply due by January
23 30, 2009.

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1 DATED: January 9, 2008

QUINN EMANUEL URQUHART OLIVER &
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By /s/Gabriel S. Gross
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7 DATED: January 9, 2009

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14 I, Gabriel S. Gross, am the ECF User whose identification and password are being used to
15 file this document. Pursuant to General Order 45.X.B, I hereby attest that counsel for Defendants
16 has concurred in this filing.

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[PROPOSED] ORDER

Pursuant to the stipulation of the parties and with good cause appearing, the Court ORDERS that the time for hearing on and briefing of Plaintiffs' Motion for Leave to Conduct Limited Discovery to Respond to Defendants' Motions to Dismiss be shortened, that the hearing will be held February 6, 2009, Defendants' brief in opposition will be due no later than January 23, 2009, and Plaintiffs' brief in reply will be due no later than January 30, 2009.

IT IS SO ORDERED.

January __, 2009



The Honorable Susan Illston
UNITED STATES DISTRICT JUDGE

The motion to conduct discovery shall be heard on 2/13/09 @ 9 a.m.