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Attorneys for Plaintiff ALZHEIMER'S INSTITUTE OF AMERICA, INC.

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA**

ALZHEIMER'S INSTITUTE OF
 AMERICA, INC.

Plaintiff,

v.

ELAN PHARMACEUTICALS, INC. and
 ELI LILLY AND COMPANY,

Defendants

Case No. 3:10-cv-00482- EDL

**STIPULATED REQUEST FOR ORDER
 CHANGING TIME FOR OPPOSITION
 TO, REPLY IN SUPPORT OF, AND
 HEARING ON DEFENDANT ELI
 LILLY AND COMPANY'S MOTION
 FOR SUMMARY JUDGMENT OF
 NON-INFRINGEMENT [D.N. 255];
 DECLARATION OF BERRIE R.
 GOLDMAN IN SUPPORT;
~~PROPOSED~~ ORDER**

[Filed Pursuant to L.R. 6-2]

Date: November 8, 2011
 Time: 9:00 a.m.
 Courtroom: E, 15th Floor

Magistrate Judge Elizabeth D. Laporte

1 Pursuant to Civil L.R. 6-2, Plaintiff Alzheimer’s Institute of America, Inc. (“AIA”) and
2 Defendant Eli Lilly and Company (“Lilly”) submit this stipulated request for an order changing
3 the time for AIA’s opposition to and Lilly’s reply in support of Defendant Eli Lilly and
4 Company’s Motion for Summary Judgment of Non-Infringement (D.N. 255) (“Motion”).

5 Lilly filed its Motion on September 29, 2011, noticing a hearing before this Court on
6 November 8, 2011. AIA requires an additional 30 days to adequately prepare its response to
7 Lilly’s Motion for Summary Judgment of Non-Infringement. The parties agree that the time for
8 AIA to respond to Lilly’s Motion shall be extended until November 14, 2011. The parties further
9 agree that Lilly shall file its reply in support of its Motion no later than November 21, 2011. The
10 parties further request a continuance of the hearing on Lilly’s Motion to December 6, 2011, or as
11 soon thereafter at the convenience of the Court.

12 The parties respectfully request this Court to enter an order changing time as described
13 above.

14 Respectfully submitted,

15 Dated: October 13, 2011

BRYAN CAVE LLP

16
17 By: /s/ Berrie R. Goldman
Berrie R. Goldman

18 Attorneys for Plaintiff
19 ALZHEIMER’S INSTITUTE OF AMERICA, INC.

20 Dated: October 13, 2011

**FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.**

21
22 By: /s/ Laura P. Masurovsky
Laura P. Masurovsky

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Attorneys for Defendant
ELI LILLY AND COMPANY

1 **DECLARATION OF BERRIE GOLDMAN IN SUPPORT OF STIPULATED REQUEST**

2 I, Berrie R. Goldman, declare as follows:

3 1. I am an attorney licensed to practice before this Court and all courts of the State of
4 California. I am an associate with Bryan Cave LLP, counsel for Alzheimer’s Institute of America,
5 Inc. (“AIA”) in the above-referenced action.

6 2. The contents of this declaration are based upon my personal knowledge and are
7 true and correct to the best of my knowledge and belief. If called to testify, I could and would
8 testify thereto.

9 3. AIA requires an additional 30 days to adequately respond to Lilly’s Motion for
10 Summary Judgment of Non-Infringement.

11 4. Counsel for Lilly has stipulated to the requested extension of time.

12 5. This Court previously granted Lilly’s Unopposed Motion to Change Time to
13 Respond to the First Amended Complaint, extending each defendants’ time to answer or otherwise
14 respond by 90 days and continuing the Case Management Conference from May 14, 2010 to
15 August 12, 2010 (Docket No. 26). The Case Management Conference was subsequently
16 continued to October 22, 2010 pursuant to stipulation and order (Docket No. 84). A further Case
17 Management Conference was also continued for one week pursuant to stipulation and order
18 (Docket No. 125). The Court has also granted requests for orders changing the time for opposition
19 and reply to Lilly’s Motion to Sever and Transfer (Docket No. 94), Defendant Immuno-Biological
20 Laboratory’s Motion to Dismiss (Docket No. 96), Defendants’ Joint Motion to Compel
21 Simultaneous Production (D.N. 164), and Elan’s Motion to Compel Non-Privileged and Non-
22 Immune Documents from AIA (D.N. 205).

23 6. The requested time modification will not affect the schedule for the case, other than
24 the briefing schedule and hearing date for Lilly’s Motion.

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1 I declare under penalty of perjury under the laws of the United States that the foregoing is
2 true and correct.

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4 Dated: October 13, 2011

5 By: _____ /s/ Berrie R. Goldman
6 Berrie R. Goldman

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~~PROPOSED~~ ORDER

FOR GOOD CAUSE SHOWN, IT IS HEREBY ORDERED that the Stipulated Request of Plaintiff Alzheimer’s Institute of America, Inc. (“AIA”) and Defendant Eli Lilly and Company (“Lilly”) is **GRANTED**.

AIA shall file its Opposition to Defendant Eli Lilly and Company’s Motion for Summary Judgment of Non-Infringement (D.N. 255) no later than November 14, 2011. Lilly shall file a reply in support of its Motion, if any, by November 21, 2011. The hearing on Lilly’s Motion shall be held on December 6, 2011 at ~~9:00 a.m. [or thereafter at the Court’s convenience]~~.
2:00 p.m.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: October 14, 2011



Hon. Elizabeth D. Laporte,
Magistrate Judge,
U.S. District Court for the Northern
District of California