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 22 ELAN PHARMACEUTICALS, INC

23 UNITED STATES DISTRICT COURT
 24 NORTHERN DISTRICT OF CALIFORNIA
 25 SAN FRANCISCO DIVISION

26 ALZHEIMER'S INSTITUTE OF 27 AMERICA, INC., 28 Plaintiff, vs. ELAN PHARMACEUTICALS, INC., ELI LILLY AND COMPANY, Defendants. AND OTHER COUNTERCLAIMS

Case No. 3:10-CV-00482 (EDL)
**JOINT STIPULATION TO
 WITHDRAW ELAN'S JULY 19,
 2011 ADMINISTRATIVE MOTION
 TO FILE UNDER SEAL, ORDER**

1 Pursuant to Civil L.R. 7-12 and Federal Rules of Civil Procedure 20(a)(2) and 21, Defendant
2 Elan Pharmaceuticals, Inc. (“Elan”) and Plaintiff Alzheimer’s Institute of America, Inc. (“AIA”)
3 (collectively “the Parties”), by and through their respective counsel, hereby agree and stipulate, and
4 respectfully request the Court to enter an Order withdrawing Elan’s July 19, 2011 Administrative
5 Motion to file under seal portions of Elan’s Responsive Claim Construction Brief and Exhibit 23 to
6 the Rajani Declaration in Support of Elan’s Responsive Claim Construction Brief (D.N. 200).

7 This joint stipulation sets forth the following facts upon which the Parties agree:

8 1. On July 19, 2011, Elan filed an administrative motion to file portions of its
9 Responsive Claim Construction Brief and Exhibit 23 to the Rajani Declaration in Support of Elan’s
10 Responsive Claim Construction Brief (D.N. 200). Pages 16-17 of Elan’s Responsive Claim
11 Construction Brief and Exhibit 23 contained selected passages of the deposition transcript of Dr.
12 Michael Mullan previously designated as “CONFIDENTIAL – ATTORNEYS EYES ONLY” by
13 AIA. AIA did not file a declaration pursuant to Civil L.R. 79-5(d) in support of sealing these
14 documents.

15 2. On October 19, 2011, counsel for Elan and AIA conferred on Elan’s administrative
16 motion. The parties agree that Elan’s Responsive Claim Construction Brief (D.N. 201) and Exhibit
17 23 (D.N. 202) are not confidential and should be filed publicly.

18 WHEREFORE, the Parties, by and through their respective counsel, hereby stipulate to and
19 request this Court to enter an Order: (1) withdrawing Elan’s July 19, 2011 Administrative Motion to
20 file under seal portions of Elan’s Responsive Claim Construction Brief and Exhibit 23 to the Rajani
21 Declaration in Support of Elan’s Responsive Claim Construction Brief (D.N. 200); and (2)
22 permitting Elan to publicly file Elan’s Responsive Claim Construction Brief and Exhibit 23 in
23 unredacted form.

1 Dated: October 20, 2011

Respectfully Submitted,

2 /s/ Berrie R. Goldman

3 K. Lee Marshall (SBN 277092)

Robert Padway SBN 48439)

4 Berrie Goldman (SBN 246061)

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16 **Attorneys for Plaintiff**

17 **ALZHEIMER'S INSTITUTE OF AMERICA, INC.**

18 Pursuant to General Order No. 45.X.B., the below filer attests that concurrence in the filing
19 of this document has been obtained from the above Signatories.

20 Dated: October 20, 2011

Respectfully Submitted,

21 /s/ Assad H. Rajani

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ELAN PHARMACEUTICALS, INC

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ELAN PHARMACEUTICALS, INC.**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: October 21, 2011


Honorable Elizabeth D. Laporte
DISTRICT COURT MAGISTRATE JUDGE