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

18 ALZHEIMER'S INSTITUTE OF AMERICA,  
19 INC.,

Plaintiff,

v.

21 ELAN PHARMACEUTICALS, INC., *et al.*,

22 Defendants.  
23

CASE NO. CV 10-00482 EDL

**STIPULATED REQUEST FOR ORDER  
CHANGING TIME FOR FILING OF  
MOTIONS FOR ATTORNEYS' FEES;  
SUPPORTING DECLARATION;  
~~PROPOSED~~ ORDER**

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

1 Pursuant to Civil L.R. 6-2, Plaintiff Alzheimer's Institute of America, Inc. and Defendants  
2 Elan Pharmaceuticals, Inc. and Eli Lilly and Company submit this stipulated request for an order  
3 changing the deadline for the filing of any motions for attorneys' fees pursuant to Fed. R. Civ. P.  
4 54(d)(2) and Local Rule 54-5 to August 24, 2012. The parties are considering a further stipulation  
5 regarding the filing of any motions for attorneys' fees in this action, but such negotiations have been  
6 delayed due to the unavailability of counsel. Accordingly, the parties seek a brief extension of the  
7 deadline for filing motions for attorneys' fees to allow them sufficient time to continue their  
8 negotiations.

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

11 Respectfully submitted,

12 Dated: August 10, 2012

**FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, LLP**

13 By: /s/ Robert F. McCauley  
14 Robert F. McCauley, III

15 Attorneys for Defendant  
16 *Eli Lilly and Company*

17 Dated: August 10, 2012

**DICKSTEIN SHAPIRO LLP**

18 By: /s/ Deborah E. Fishman  
19 Deborah E. Fishman

20 Attorneys for Defendant  
21 *Elan Pharmaceuticals, Inc.*

22 Dated: August 10, 2012

**BRYAN CAVE LLP**

23 By: /s/ Berrie R. Goldman  
24 Berrie R. Goldman

25 Attorneys for Plaintiff  
26 *Alzheimer's Institute of America, Inc.*

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**SUPPORTING DECLARATION OF ROBERT F. MCCAULEY, III**

I, Robert F. McCauley declare:

1. That I am admitted in the above action, and am counsel of record for Defendant Eli Lilly and Company in the above action.

2. The statements set forth in the above stipulation have been agreed upon by counsel for the parties and are true to the best of my knowledge and belief.

3. This Court previously granted Lilly's Unopposed Motion to Change Time to Respond to the First Amended Complaint, extending each defendants' time to answer or otherwise respond by 90 days and continuing the Case Management Conference from May 14, 2010 to August 12, 2010 (Docket No. 26). The Case Management Conference was subsequently continued to October 22, 2010 pursuant to stipulation and order (Docket No. 84). A further Case Management Conference was also continued for one week pursuant to stipulation and order (Docket No. 125). The Court has also granted requests for orders changing the time for opposition and reply to Lilly's Motion to Sever and Transfer (Docket No. 94), Defendant Immuno-Biological Laboratory's Motion to Dismiss (Docket No. 96), Defendants' Joint Motion to Compel Simultaneous Production (Docket No. 164), Elan's Motion to Compel Non-Privileged and Non-Immune Documents from AIA (Docket No. 205), and Lilly's Motion for Summary Judgment of Noninfringement (Docket No. 261).

4. The requested time modification will not affect the schedule for the case, other than the briefing schedule and hearing date for any motion for attorneys' fees that the parties may file.

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

Dated: August 10, 2012

By: /s/ Robert F. McCauley  
Robert F. McCauley, III

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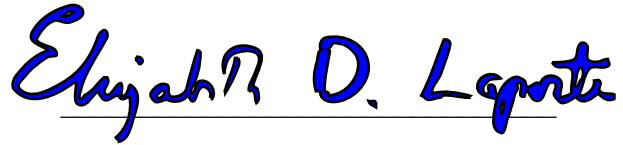
~~—[PROPOSED]~~ ORDER

FOR GOOD CAUSE SHOWN, IT IS HEREBY ORDERED that the Stipulated Request of Plaintiff Alzheimer’s Institute of America, Inc. and Defendants Elan Pharmaceuticals, Inc. and Eli Lilly and Company is GRANTED.

Any motions for attorneys’ fees pursuant to Fed. R. Civ. P. 54(d)(2) and Local Rule 54-5 shall be due on August 24, 2012.

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: August 13, 2012



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