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11 Attorneys for Defendant ELAN PHARMACEUTICALS, INC.

12 **UNITED STATES DISTRICT COURT**
 13 **NORTHERN DISTRICT OF CALIFORNIA**
 14 **SAN FRANCISCO DIVISION**

15 ALZHEIMER’S INSTITUTE OF AMERICA,
 16 INC.,

17 Plaintiff,

18 vs.

19 ELAN PHARMACEUTICALS, INC.,
 ELI LILLY AND COMPANY, ANASPEC INC.,
 20 IMMUNO-BIOLOGICAL LABORATORIES,
 INC., THE JACKSON LABORATORY,
 PHOENIX PHARMACEUTICALS, INC., and
 21 AMERICAN PEPTIDE COMPANY, INC.,

22 Defendants.

23 ELAN PHARMACEUTICALS, INC.,

24 Counterclaim Plaintiff,

25 vs.

26 ALZHEIMER’S INSTITUTE OF AMERICA,
 INC., MICHAEL J. MULLAN, RONALD E.
 27 SEXTON,

28 Counterclaim Defendants.

Case No. 3:10-CV-00482 (CRB)

~~ALZHEIMER’S INSTITUTE OF
 AMERICA, INC. AND ELAN
 PHARMACEUTICALS, INC.’S
 STIPULATED REQUEST FOR
 EXTENSION OF CASE MANAGEMENT
 CONFERENCE AND EXTENSION OF
 TIME FOR AIA’S ANSWER;~~

~~DECLARATION OF JACKIE
 NAKAMURA IN SUPPORT OF
 STIPULATED REQUEST; AND~~

~~PROPOSED ORDER~~

DEMAND FOR JURY TRIAL

Hon. Charles R. Breyer

1 In the interest of judicial economy as explained below, and pursuant to Civil L.R. 6-3, Plaintiff
2 Alzheimer's Institute of America, Inc. ("AIA") and Defendant and Counterclaim Plaintiff Elan
3 Pharmaceuticals, Inc. ("Elan Pharmaceuticals") file this stipulated request for: (1) an extension of 30
4 days for AIA, Dr. Michael Mullan and Mr. Ronald Sexton to respond to Elan Pharmaceutical's
5 counterclaims (each Counterclaim Defendant shall file a response on or before September 15, 2010);
6 (2) a continuance of the initial Case Management Conference ("CMC") to October 22, 2010, or as
7 soon thereafter as the Court's calendar will allow; (3) continuation of the parties' corresponding
8 obligations to meet and confer in advance of the CMC regarding initial disclosures and a Case
9 Management Statement, and (4) continuance of the parties' deadline for filing a Joint Case
10 Management Statement. All other defendants agree with the request or do not oppose it.

11 This patent infringement case involves four patents and multiple defendants. In its Answer,
12 Elan Pharmaceuticals has counterclaimed against AIA and named two new Counterclaim Defendants,
13 Dr. Michael Mullan and Mr. Ronald Sexton (served July 26 and 27, 2010, respectively).

14 This Court had previously scheduled a Case Management Conference for May 14, 2010, which
15 was ordered by stipulation to the currently scheduled date of August 13, 2010. Other than the Case
16 Management Conference, no other scheduled hearings will be affected by this extension.

17 AIA and Elan Pharmaceuticals request and stipulate to, and no party opposes, these extensions
18 of time.

19 If the Court grants this stipulated request, the following dates would then apply:

- 20 1. Each Counterclaim defendant has a 30-day extension to respond to Elan
21 Pharmaceuticals' Counterclaim and shall file a response on or before September 15,
22 2010;
- 23 2. The Case Management Conference will be continued to October 22, 2010, at 8:30 a.m.,
24 or thereafter, at the convenience of the Court;
- 25 3. September 16, 2010 is the parties' last day to meet and confer regarding initial
26 disclosures (since this will be the parties' Rule 26(f) conference, the Rule 26(a) Initial
27 Disclosures and Rule 26(f) Report/Discovery Plan shall be due by September 30, 2010);
- 28 4. October 15, 2010 is the parties' last day to file a Joint Case Management Statement; and

1 5. Pursuant to Local Rule 16-10(a) and this Court's Standing Order, defendant The
2 Jackson Laboratory's counsel, Michael N. Rader and/or Chelsea A. Loughran, may
3 appear by telephone at the Initial Case Management Conference.

4 Dated: July 28, 2010

5 Respectfully submitted,

6 BRYAN CAVE LLP

7
8 By: /s/ Berrie R. Goldman

9 Robert Padway (Bar No. 48439_
10 Berrie Goldman (Bar No. 246061)
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17 Alzheimer's Institute of America, Inc.

18 HOWREY LLP

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20 By: /s/ Jackie N. Nakamura

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28 Attorneys for Defendant
 ELAN PHARMACEUTICALS, INC.

1 **DECLARATION OF JACKIE NAKAMURA IN SUPPORT OF STIPULATED REQUEST**

2 I, Jackie N. Nakamura, 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 a partner with Howrey LLP, counsel for Elan Pharmaceuticals, Inc. (“Elan
5 Pharmaceuticals”) in the above-referenced action.

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

8 3. The contents of the foregoing Stipulated Request are true and correct to the best of my
9 knowledge and belief

10 4. Plaintiff’s counsel and all counsel for co-Defendants have stipulated to, or do not
11 oppose, these requested extensions of time.

12 5. This Court had previously scheduled a Case Management Conference for May 14,
13 2010, which was ordered by stipulation to the currently scheduled date of August 13, 2010.

14 6. Other than the Case Management Conference, no other scheduled hearings will be
15 affected by this extension.

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

18
19 Dated: July 28, 2010

20
21 By: /s/ Jackie Nakamura
22 Jackie N. Nakamura
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1 **[PROPOSED] ORDER**

2
3 **FOR GOOD CAUSE SHOWN, IT IS HEREBY ORDERED** that Alzheimer’s Institute of
4 America’s and Elan Pharmaceuticals, Inc.’s Stipulated Request is **GRANTED**.

- 5 1. Each Counterclaim defendant has a 30-day extension to respond to Elan
6 Pharmaceuticals’ Counterclaim and shall file a response on or before September 15,
7 2010;
- 8 2. The Case Management Conference will be continued to October 22, 2010, at 8:30 a.m.,
9 or thereafter, at the convenience of the Court;
- 10 3. September 16, 2010 is the parties’ last day to meet and confer regarding initial
11 disclosures (since this will be the parties’ Rule 26(f) conference, the Rule 26(a) Initial
12 Disclosures and Rule 26(f) Report/Discovery Plan shall be due by September 30, 2010);
- 13 4. October 15, 2010 is the parties’ last day to file a Joint Case Management Statement; and
- 14 5. Pursuant to Local Rule 16-10(a) and this Court’s Standing Order, defendant The
15 Jackson Laboratory’s counsel, Michael N. Rader and/or Chelsea A. Loughran, may
16 appear by telephone at the Initial Case Management Conference.

17
18 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

19
20 Dated _____

21 Hon. Charles R. Breyer
22 U.S. District Court Judge

PROOF OF SERVICE

I am employed in the County of San Mateo, State of California. I am over the age of 18 and not a party to the within Action. My business address is 1950 University Avenue, 4th Floor, East Palo Alto, California 94303.

On **July 28, 2010**, I served on the interested parties in said Action the within:

- 1. ALZHEIMER’S INSTITUTE OF AMERICA, INC.’S AND ELAN PHARMACEUTICALS, INC.’S STIPULATED REQUEST FOR EXTENSION OF CASE MANAGEMENT CONFERENCE AND EXTENSION OF TIME FOR AIA’S ANSWER;**
- 2. DECLARATION OF JACKIE NAKAMURA IN SUPPORT OF STIPULATED REQUEST; AND**
- 3. [PROPOSED] ORDER**

I hereby certify that a copy of the foregoing document was filed electronically in compliance with Civil Local Rule 5-4 and General Order 45. Therefore, per Civil Local Rule 5-5(b) and General Order 45 § IX, this document was served on all counsel who are deemed to have consented to electronic service. All counsel of record not deemed to have consented to electronic service were served with a true and correct copy of this document as indicated below.

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10 (EMAIL/ELECTRONIC TRANSMISSION) Based on a court order or an agreement of the
11 parties to accept service by e-mail or electronic transmission, I caused the documents to be sent
12 to the persons at the e-mail addresses listed above. I did not receive, within a reasonable time
13 after the submission, any electronic message or other indication that the transmission was
14 unsuccessful.

15 I declare under penalty of perjury that I am employed in the office of a member of the bar of
16 this Court at whose direction the service was made and that the foregoing is true and correct.

17 Executed on **July 28, 2010**, at East Palo Alto, California.

18 _____
19 */s/ Jackie Nakamura*
20 Jackie Nakamura

1
2
3 **~~PROPOSED~~ ORDER**

4 **FOR GOOD CAUSE SHOWN, IT IS HEREBY ORDERED** that Alzheimer's Institute of
5 America's and Elan Pharmaceuticals, Inc.'s Stipulated Request is **GRANTED**.

- 6 1. Each Counterclaim defendant has a 30-day extension to respond to Elan
7 Pharmaceuticals' Counterclaim and shall file a response on or before September 15,
8 2010;
- 9 2. The Case Management Conference will be continued to October 22, 2010, at 8:30 a.m.,
10 or thereafter, at the convenience of the Court;
- 11 3. September 16, 2010 is the parties' last day to meet and confer regarding initial
12 disclosures (since this will be the parties' Rule 26(f) conference, the Rule 26(a) Initial
13 Disclosures and Rule 26(f) Report/Discovery Plan shall be due by September 30, 2010);
- 14 4. October 15, 2010 is the parties' last day to file a Joint Case Management Statement; and
- 15 5. Pursuant to Local Rule 16-10(a) and this Court's Standing Order, defendant The
16 Jackson Laboratory's counsel, Michael N. Rader and/or Chelsea A. Loughran, may
17 appear by telephone at the Initial Case Management Conference.

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

19
20 Dated July 29, 2010

