

1 MCDERMOTT WILL & EMERY LLP  
WILLIAM G. GAEDE, III (136184)  
2 wgaede@mwe.com  
275 Middlefield Road, Suite 100  
Menlo Park, CA 94025  
3 Telephone: (650) 815-7400  
Facsimile: (650) 815-7401

4 MCDERMOTT WILL & EMERY LLP  
JOSEPH R. ROBINSON (*Pro Hac Vice*)  
5 jrobinson@mwe.com  
HEATHER MOREHOUSE ETTINGER (*Pro Hac Vice*)  
6 Hettinger@mwe.com  
340 Madison Avenue  
New York, NY 10173  
7 Telephone: (212) 547-5509  
Facsimile: (212) 547-5444

8 Attorneys for *Plaintiffs*

9 KNOBBE, MARTENS, OLSON & BEAR, LLP  
WILLIAM R. ZIMMERMAN (SBN 195859)  
10 bzimmerman@kmob.com  
SHEILA N. SWAROOP (SBN 203476)  
11 sswaroop@kmob.com  
BENJAMIN A. KATZENELLENBOGEN (SBN 208527)  
12 bkatzenellenbogen@kmob.com  
2040 Main Street  
Fourteenth Floor  
13 Irvine, CA 92614  
Telephone: (949) 760-0404  
Facsimile: (949) 760-9502

14 Attorneys for *Impax Laboratories, Inc.*

15 THE BANCHERO LAW FIRM LLP  
E. Jeffrey Banchemo (SBN 93077)  
16 ejb@bancherolaw.com  
Scott R. Raber (SBN 194924)  
17 sraber@bancherolaw.com  
THE BANCHERO LAW FIRM LLP  
Four Embarcadero Center, 17<sup>th</sup> Floor  
18 San Francisco, California 94111  
Telephone: 415.398.7000  
19 Facsimile: 415.616.7000

20 KASOWITZ, BENSON, TORRES & FRIEDMAN LLP  
John L. North (Admitted Pro Hac Vice)  
jnorth@kasowitz.com  
21 Jeffrey J. Toney (Admitted Pro Hac Vice)  
jtoney@kasowitz.com  
22 Laura Fahey Fritts (Admitted Pro Hac Vice)  
lfritts@kasowitz.com  
Jonathan D. Olinger (Admitted Pro Hac Vice)  
23 jolinger@kasowitz.com  
Norman E.B. Minnear (Admitted Pro Hac Vice)  
24 jminnear@kasowitz.com  
1360 Peachtree Street, N.E., Suite 1150  
Atlanta, GA 30309  
25 Telephone: 404.260.6080  
Facsimile: 404.260.6081

26 Attorneys for *Defendants, Watson Pharmaceuticals, Inc.,*  
27 *Watson Laboratories, Inc.—Florida,*  
*Watson Pharma, Inc., and Anda, Inc.*

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA  
3 SAN FRANCISCO DIVISION

4 SHIRE LLC, SUPERNUS  
5 PHARMACEUTICALS, INC., AMY F.T.  
6 ARNSTEN, PH.D., PASKO RAKIC,  
7 M.D., and ROBERT D. HUNT, M.D.,

8 Plaintiffs,

9 v.

10 IMPAX LABORATORIES, INC.,  
11 WATSON PHARMACEUTICALS, INC.,  
12 WATSON LABORATORIES, INC.—  
13 FLORIDA, WATSON PHARMA, INC.,  
14 and ANDA, INC.,

15 Defendants.

Case No. 10-CV-05467-RS (MEJ)

**STIPULATION FOR WAIVER OF  
REQUIREMENT FOR SERVICE OF  
PLAINTIFFS' INFRINGEMENT  
CONTENTIONS ON ALL PARTIES**

16 Shire LLC, Supernus Pharmaceuticals, Inc., Amy F.T. Arnsten, Ph.D., Pasko Rakic, M.D.  
17 and Robert D. Hunt, M.D. (collectively, "Plaintiffs") and Impax Laboratories, Inc. ("Defendant  
18 Impax"), Watson Pharmaceuticals, Inc., Watson Laboratories, Inc.- Florida, Watson Pharma, Inc.,  
19 and Anda, Inc. (collectively, "Watson Defendants"; Plaintiffs and Defendants, collectively "Parties")  
20 hereby submit this stipulated request for an Order granting a waiver of the requirement under Fed. R.  
21 Civ. P. 5(a)(1)(C) and Patent Local Rule 3-1 in connection with service of Plaintiffs' Infringement  
22 Contentions.

23 Plaintiffs' Infringement Contentions as to Defendant Impax and as to Watson Defendants,  
24 both of which are due on Thursday November 3, 2011, each contains Highly Confidential  
25 Information of the respective defendant. Therefore, the Parties have agreed that Plaintiffs shall serve  
26 the Infringement Contentions as to Defendant Impax only on Defendant Impax's counsel, and that  
27 Plaintiffs shall serve the Infringement Contentions as to Watson Defendants only on Watson  
28 Defendants' counsel. The Parties agree that Plaintiffs shall not serve the Infringement Contentions  
as to Defendant Impax on Watson Defendants' counsel, and that Plaintiffs shall not serve the  
Infringement Contentions as to Watson Defendants on Defendant Impax's counsel. The Parties

1 therefore hereby submit this stipulated request that the requirement under Fed. R. Civ. P. 5(a)(1)(C)  
2 and Patent Local Rule 3-1, that discovery papers be served on every party, be waived.

3 SO STIPULATED this 2nd day of November 2011.

4 MCDERMOTT WILL & EMERY LLP

5 Dated: November 3, 2011

6 By: /s/ William G. Gaede, III  
William G. Gaede, III

7 Attorneys for *Plaintiffs*

8  
9 KNOBBE, MARTENS, OLSON & BEAR, LLP

10  
11 Dated: November 3, 2011

12 By: /s/ Sheila N. Swaroop  
Sheila N. Swaroop

13 Attorneys for *Impax Laboratories, Inc.*

14  
15 KASOWITZ, BENSON, TORRES & FRIEDMAN LLP

16  
17 Dated: November 3, 2011

18 By: /s/ Laura Fahey Fritts  
Laura Fahey Fritts

19 Attorneys for *Watson Pharmaceuticals, Inc.,*  
20 *Watson Laboratories, Inc.—Florida,*  
*Watson Pharma, Inc., and Anda, Inc.*

21  
22 **SIGNATURE ATTESTATION**

23 Pursuant to General Order 45.X(B), I hereby attest that concurrence has been obtained from  
24 Sheila N. Swaroop and Laura Fahey Fritts indicated by a “conformed” signature (/s/) within this e-  
25 filed document.

26 /s/ William G. Gaede, III  
27 William G. Gaede, III

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

-oOo-

Pursuant to stipulation, and good cause appearing therefore, **IT IS SO ORDERED.** The Court hereby grants a waiver of requirement under Fed. R. Civ. P. 5(a)(1)(C) and Local Patent Rule 3-1 regarding service of Plaintiffs' Infringement Contentions.

DATED: November 4, 2011

  
\_\_\_\_\_  
HONORABLE MARIA-ELENA JAMES  
Chief United States Magistrate Judge