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 7

8 Attorneys for Defendants  
 KLEINER PERKINS CAUFIELD & BYERS,  
 9 KPCB HOLDINGS, INC., DOMAIN  
 ASSOCIATES, LLC, DOMAIN PARTNERS V,  
 10 L.P., DP V ASSOCIATES, L.P., DOMAIN  
 PARTNERS VII, L.P., DP VII ASSOCIATES, L.P.,  
 11 SEARS CAPITAL MANAGEMENT, LOWELL  
 SEARS, both individually and as trustee, CAXTON  
 12 ADVANTAGE VENTURE PARTNERS, L.P.,  
 CAXTON ADVANTAGE LIFE SCIENCES FUND,  
 13 L.P., STANLEY E. ABEL, and PETER M.  
 BREINING  
 14

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

18 THE FLOREY INSTITUTE OF  
 NEUROSCIENCE AND MENTAL HEALTH,  
 19 Plaintiff,

20 v.

21 KLEINER PERKINS CAUFIELD & BYERS,  
 KPCB HOLDINGS, INC., DOMAIN  
 22 ASSOCIATES, LLC, DOMAIN PARTNERS  
 V, L.P., DP V ASSOCIATES, L.P., DOMAIN  
 23 PARTNERS VII, L.P., DP VII ASSOCIATES,  
 L.P., SEARS CAPITAL MANAGEMENT,  
 24 LOWELL SEARS, Individually and as Trustee  
 of The Sears Trust and The Sears Trust Dated  
 3/11/91, CAXTON ADVANTAGE VENTURE  
 25 PARTNERS, L.P., CAXTON ADVANTAGE  
 LIFE SCIENCES FUND, L.P., STANLEY E.  
 26 ABEL, PETER M. BREINING, and THOMAS  
 G. WIGGANS,  
 27 Defendants.

Case No. 12-cv-06504 SC

**STIPULATION AND ~~[PROPOSED]~~  
 ORDER REGARDING BRIEFING  
 SCHEDULE FOR MOTION TO  
 DISMISS FIRST AMENDED  
 COMPLAINT**

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1 Plaintiff The Florey Institute of Neuroscience and Mental Health (“Plaintiff”) and  
2 Defendants Kleiner Perkins Caufield & Byers, KPCB Holdings, Inc., Domain Associates, LLC,  
3 Domain Partners V, L.P., DP V Associates, L.P., Domain Partners VII, L.P., DP VII Associates,  
4 L.P., Sears Capital Management, Lowell Sears, both individually and as trustee, Caxton  
5 Advantage Venture Partners, LP, Caxton Advantage Life Sciences Fund, L.P., Stanley E. Abel,  
6 and Peter M. Breining (“Defendants”), by and through their respective counsel of record, enter  
7 into the following stipulation, based upon the recitals below:

8 1. WHEREAS Plaintiff filed a First Amended Complaint (the “Amended  
9 Complaint”) against Defendants on October 28, 2013;

10 2. WHEREAS the above-referenced Defendants filed a Motion to Dismiss on  
11 December 3, 2013;

12 3. WHEREAS the current briefing schedule requires Plaintiff to file an opposition to  
13 the Motion to Dismiss on December 17, 2013 and the above-referenced Defendants to file a reply  
14 on December 24, 2013;

15 4. WHEREAS the Motion to Dismiss is currently set for hearing on January 10,  
16 2014;

17 5. WHEREAS the above-referenced Defendants wish for additional time to file their  
18 reply brief in light of the nature of the issues presented in the Motion to Dismiss and due to pre-  
19 existing holiday schedules and travel plans;

20 6. WHEREAS counsel for the above-referenced Defendants and Plaintiff have agreed  
21 upon a briefing schedule for the Motion to Dismiss;

22 7. NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED that

23 a. Plaintiff’s Opposition to the Motion to Dismiss shall be due on or before  
24 December 24, 2013.

25 b. The above-referenced Defendants’ Reply in support of the Motion to Dismiss  
26 shall be due on or before January 7, 2014.

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c. The hearing on the Motion to Dismiss shall be continued to January 24, ~~2013~~.

**IT IS SO STIPULATED.**

DATED: December 12, 2013

CROWELL & MORING LLP

By: /s/ Mark T. Jansen

Mark T. Jansen

Attorneys for Plaintiff

THE FLOREY INSTITUTE OF  
NEUROSCIENCE AND MENTAL HEALTH

DATED: December 12, 2013

HOGAN LOVELLS US LLP

By: /s/ Robert B. Hawk

Robert B. Hawk

Attorneys for Defendants

KLEINER PERKINS CAUFIELD & BYERS,  
KPCB HOLDINGS, INC., DOMAIN  
ASSOCIATES, LLC, DOMAIN PARTNERS V,  
L.P., DP V ASSOCIATES, L.P., DOMAIN  
PARTNERS VII, L.P., DP VII ASSOCIATES,  
L.P., SEARS CAPITAL MANAGEMENT,  
LOWELL SEARS, both individually and as  
trustee, CAXTON ADVANTAGE VENTURE  
PARTNERS, L.P., CAXTON ADVANTAGE  
LIFE SCIENCES FUND, L.P., STANLEY E.  
ABEL, and PETER M. BREINING

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

Dated: 12/13/2013

  
\_\_\_\_\_  
THE HONORABLE SAMUEL CONTI

**ATTESTATION**

I, Robert B. Hawk, attest that Mark T. Jansen has approved the Stipulation Regarding Briefing Schedule For Motion to Dismiss First Amended Complaint and consents to its filing in this action.

By: /s/ Robert B. Hawk

Robert B. Hawk