

1 Counsel Listed on Signature (Last) Page
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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT**

10 SANDOZ INC.,

11 Plaintiff,

12 v.

13 AMGEN INC. and HOFFMAN-LA ROCHE
14 INC.,

15 Defendants.
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Case No. 3:13-cv-02904-MMC

**STIPULATION AND [PROPOSED]
ORDER TO AMEND DATE OF HEARING
ON DEFENDANTS' MOTION TO DISMISS**

AND ORDER THEREON

Winston & Strawn LLP
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San Francisco, CA 94111-5802

1 WHEREAS, on October 7, 2013 this Court granted Plaintiff's Motion to File a Surreply to
2 Defendants' Motion to Dismiss, due October 15, 2013, and extended the hearing on Defendants'
3 Motion to Dismiss to **November 1, 2013** (Dkt. 85).

4 WHEREAS, Plaintiff's counsel is unavailable to participate in the hearing on that date;

5
6 WHEREAS, the earliest date that both Plaintiff's and Defendants' counsel is available to
7 participate in a hearing on Defendants' motion to dismiss is **November 15, 2013**, and rescheduling
8 the hearing to **November 15, 2013** will not affect any other deadlines for the case; and

9 WHEREAS, consistent with Civil Local Rule 6.2, prior adjustments to the schedule have
10 been made in this case as reflected in Attachment A .

11
12 **Stipulation**

13 IT IS HEREBY STIPULATED AND AGREED by and between Sandoz Inc. ("Plaintiff")
14 and Amgen Inc. and Hoffman-La Roche Inc. ("Defendants"), subject to the approval of the Court as
15 follows:
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17 The parties hereby stipulate to reschedule the hearing on Defendants' Motion to Dismiss
18 (Dkt. 85) from **November 1, 2013**, at 9:00 a.m. to **November 15, 2013**, at 9:00 a.m. No other
19 currently scheduled dates change.
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~~Proposed~~ Order

Pursuant to the above Stipulation, the hearing on Defendants' Motion to Dismiss (Dkt. 85) is hereby re-scheduled from **November 1, 2013**, at 9:00 a.m. to November **15, 2013**, at 9:00 a.m. No other currently scheduled dates change.

IT IS SO ORDERED.

October 11, 2013


Honorable Maxine M. Chesney
Senior U.S. District Judge

Attachment A

On June 24, 2013, the Court entered its Order Setting Initial Case Management Conference and ADR Deadlines, setting the initial CMC for September 25, 2013. (Dkt. No. 6).

On July 1, 2013, the Clerk of the Court filed a Notice of Impending Reassignment to a United States District Court Judge, notifying the parties that the CMC scheduled for September 25, 2013, would not be held. (Dkt. No. 9).

On July 9, 2013, the Court entered its Case Management Scheduling Order setting the initial CMC for September 27, 2013. (Dkt. No. 15).

On July 17, 2013, the parties stipulated to extend the time to respond to the complaint to August 16, 2013 (Dkt. 21).

On August 23, 2013, the parties stipulated to extend the CMC to November 15, 2013, and the hearing on Defendants' Motion to Dismiss from September 20, 2013 to October 11, 2013, with Sandoz's opposition to the Motion due on September 13, 2013 and Defendants' reply on September 20, 2013 (Dkt. 45).

On September 19, 2013 the parties stipulated to extend the deadline for Defendants to file and serve a reply to Sandoz's Opposition to Defendants' Motion to Dismiss to September 23, 2013 (Dkt. 58).

On October 7, 2013 this Court granted Defendants' Motion to Adjust the CMC and associated deadlines to January 10, 2014 (Dkt. 87).

On October 7, 2013 this Court granted Plaintiff's Motion to File a Surreply to Defendants' Motion to Dismiss, due October 15, 2013, and extended the hearing on Defendants' Motion to Dismiss and all related motions to November 1, 2013 (Dkt. 85).

1 Dated: October 11, 2013

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By: /s/ K. Joon Oh

By: /s/ Vernon M. Winters

Attorneys for Plaintiff,
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Attorneys for Defendants,
Amgen, Inc., and Hoffmann-La Roche, Inc.

FILER'S ATTESTATION

I, K. Joon Oh, am the ECF user whose identification and password are being used to file this stipulation. In accordance with Local Rule 5-1(i)(3), I hereby attest that the above-named signatories concur in this filing.

DATED: October 11, 2013

By: /s/ K. Joon Oh