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18 IN THE UNITED STATES DISTRICT COURT
19 IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA
20 SAN FRANCISCO DIVISION

21 ABBVIE INC.,
22 Plaintiff,
23 v.
24 NOVARTIS VACCINES & DIAGNOSTICS,
INC. and GRIFOLS WORLDWIDE
OPERATIONS LTD.,
25 Defendants.

Case No. 3:17-CV-01815 EMC

**STIPULATION & [PROPOSED]
ORDER TO STAY PROCEEDINGS
PENDING RESOLUTION OF
MOTION TO COMPEL
ARBITRATION**

**STIPULATION & [PROPOSED] ORDER
TO STAY PENDING MOTION TO
COMPEL ARBITRATION
CASE NO. 3:17-CV-01815 EMC**

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1 Plaintiff AbbVie Inc. (“AbbVie”), Defendant Novartis Vaccines and Diagnostics, Inc.
2 (“Novartis”) and Defendant Grifols Worldwide Operations Ltd. (“Grifols”) file this stipulated
3 request and respectfully ask the Court to stay all scheduling order requirements pending
4 resolution of Defendant Novartis’s Motion to Compel Arbitration and to Stay (“Motion to
5 Compel Arbitration”). As grounds, the parties state as follows:

6 On March 31, 2017, AbbVie filed its declaratory judgment Complaint in this case.
7 Novartis filed its Answer to Complaint on May 25, 2017. (Dkt. No. 42.) Contemporaneously
8 herewith, however, Novartis is filing a Motion to Compel Arbitration, arguing that a license
9 agreement between Novartis and AbbVie requires arbitration of all issues presented in this
10 dispute. AbbVie plans to oppose the Motion to Compel Arbitration.

11 In view of the foregoing, and to avoid unnecessary expenditure of judicial resources, the
12 parties concur that good cause exists to stay all upcoming deadlines in this case until a ruling is
13 made on the Motion to Compel Arbitration. For these reasons, the parties request that all aspects
14 of this case other than those related to the issue of arbitrability be stayed pending a ruling by the
15 Court on the Motion to Compel Arbitration, including without limitation Grifols’ obligation to
16 answer or otherwise respond to the Complaint, Grifols’ right to challenge service of process, the
17 parties’ invalidity contentions, claim construction submissions, and fact discovery.

18 WHEREFORE, the parties respectfully request that, for good cause shown, the Court
19 grant this stipulated request and enter the stay as provided herein.

20 Dated: June 5, 2017

Respectfully submitted,

MCDERMOTT WILL & EMERY LLP

22 By: /s/ Thomas P. Steindler
23 Thomas P. Steindler

24 *Attorneys for Novartis Vaccines and Diagnostics, Inc.*

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By: /s/ Gregory K. Sobolski
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Attorneys for AbbVie Inc.

/s/ Andrea Meghrouni-Brown
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Attorney for Grifols Worldwide Operations Ltd.

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SIGNATURE ATTESTATION

Pursuant to General Order 45.X(B), I hereby attest that concurrence has been obtained from Gregory K. Sobolski and Andrea Meghrouni-Brown indicated by the “conformed” signatures (/s/) within this e-filed document.

/s/ Thomas P. Steindler
Thomas P. Steindler

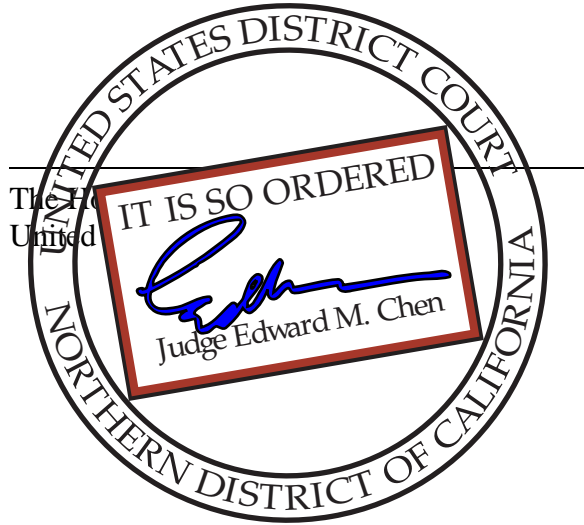
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~~**[PROPOSED]**~~ **ORDER**

Pursuant to Stipulation, all scheduling requirements are stayed until the Court issues its ruling on Novartis' Motion to Compel Arbitration and to Stay.

IT IS SO ORDERED.

Date: 6/6/17



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