

1 Kimberly K. Dodd, CA Bar No. 235109
kdodd@foley.com

2 **FOLEY & LARDNER LLP**
777 EAST WISCONSIN AVENUE
3 MILWAUKEE, WI 53202-5306
TELEPHONE: 414.271.2400
4 FACSIMILE: 414.297.4900

5 Eva K. Freel, CA Bar No. 318287
efreel@foley.com

6 **FOLEY & LARDNER LLP**
555 SOUTH FLOWER STREET, STE 3500
7 LOS ANGELES, CA 90071-2411
TELEPHONE: 213.972.4500
8 FACSIMILE: 213.486.0065

9 Attorneys for Defendant KEYGENE N.V.

10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**

12 NUGEN TECHNOLOGIES, INC.,

Case No. 3:18-CV-00525-JST

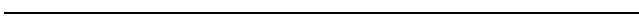
13 Plaintiff,

JOINT STIPULATION AND ~~PROPOSED~~
ORDER EXTENDING TIME

14 vs.

15 KEYGENE N.V.,

16 Defendant.
17
18
19
20
21
22
23
24
25
26
27
28



1 Pursuant to Civil Local Rules 6-1(b), 6-2 and 7-12, Plaintiff NuGEN Technologies, Inc.
2 (“NuGEN”) and Defendant Keygene N.V. (“Keygene”) stipulate as recited below and jointly request that
3 the Court modify certain deadlines in the current case schedule and the briefing deadlines associated with
4 NuGEN’s Motion to Dismiss (ECF No. 54).

5 1. On May 9, 2018, the parties appeared before the Court at the Case Management
6 Conference. Declaration of Bradley D. Roush (“Roush Decl.”), ¶ 2.

7 2. The same day, the Court issued the Scheduling Order for this case (ECF No. 53), which
8 adopted the patent disclosure deadlines proposed by the parties in the Joint Case Management Statement,
9 and set the Claim Construction Tutorial for February 26, 2019 and the Claim Construction Hearing for
10 March 12, 2019. Roush Decl., ¶ 3.

11 3. In consideration of holidays in the United States, Memorial Day (May 28, 2018), and the
12 Netherlands, Pentecost Day (May 21, 2018), as well as other obligations of Keygene’s counsel, NuGEN
13 has agreed to extend by fourteen (14) days:

14 a. from May 23, 2018 to June 6, 2018, the deadline for Keygene to serve its Patent L.R.
15 3-1 and 3-2 disclosure of asserted claims, infringement contentions, and
16 accompanying documents; and

17 b. from May 29, 2018, to June 12, 2018, the deadline for Keygene to respond to
18 NuGEN’s Motion to Dismiss (ECF No. 54).

19 Roush Decl., ¶¶ 4-5.

20 4. In exchange, Keygene has agreed to extend by fourteen (14) days: from June 5, 2018 to
21 June 19, 2018, the deadline for NuGEN to file its reply in support of its Motion to Dismiss (ECF No. 54).
22 Roush Decl. ¶ 6.

23 5. The previous time modifications in this case are as follows:

24 a. on February 15, 2018, the parties stipulated to extend the time for Keygene, Inc.¹ to
25 respond to the complaint from February 16, 2018 to March 19, 2018. ECF No. 18.

26 b. on April 3, 2018, the Court granted the parties’ joint stipulation to extend the time for
27 NuGEN to respond to Keygene, Inc.’s Motion to Dismiss (ECF No. 25). ECF No. 32.

28

¹ Keygene, Inc. has since been dismissed from the case. ECF No. 40.

c. on April 17, 2018, the parties stipulated to extend the time for Keygene to respond to the complaint from April 17, 2018 to April 24, 2018, and to extend the time for the parties to exchange initial disclosures from April 20, 2018 to April 27, 2018. ECF No. 43.

Roush Decl. ¶ 7.

6. No other deadlines will be affected by these stipulated time modifications.

NOW THEREFORE, the parties hereby stipulate and respectfully request that, for the reasons described above, the deadlines in this case be modified as set forth below:

Event	Current Deadline	Proposed Deadline
Disclosure of Asserted Claims and Infringement Contentions (Patent LR 3-1 and 3-2)	May 23, 2018	June 6, 2018
Keygene's Response to NuGEN's Motion to Dismiss (ECF No. 54)	May 29, 2018	June 12, 2018
NuGEN's Reply in Support of Motion to Dismiss (ECF No. 54)	June 5, 2018	June 19, 2018

DATED: May 23, 2018

Respectfully submitted,

By: /s/ Leo J. Presiado
Leo J. Presiado, #166721

FOLEY & LARDNER LLP

Brown Rudnick LLP
Leo J. Presiado, #166721
lpresiado@brownrudnick.com
2211 Michelson Drive
Seventh Floor
Irvine, CA 92612
Telephone: 949.752.7100
Facsimile: 949.252.1514

By: /s/ Kimberly K. Dodd
Kimberly K. Dodd, CA Bar No. 235109
kdodd@foley.com
Foley & Lardner LLP
777 East Wisconsin Avenue
Milwaukee, WI 53202-5306
Telephone: 414.271.2400
Facsimile: 414.297.4900

Wayne F. Dennison (*pro hac vice*)
Rebecca M. Lecaroz (*pro hac vice*)
Jessica T. Lu (*pro hac vice*)
One Financial Center
Boston, MA 02111
Telephone: 617.856.8200

Eva K. Freel, CA Bar No. 318287
Foley & Lardner LLP
555 South Flower Street, Suite 3500
Los Angeles, CA 90071-2411
Telephone: 213.972.4500
Facsimile: 213.486.0065
E-mail: efreel@foley.com

Joint Stipulation and ~~Proposed~~ Order Extending Time
-2- Case No. 3:18-CV-00525-JST

1 Facsimile: 617.289.0438
2 wdennison@brownrudnick.com
3 rlecaroz@brownrudnick.com
4 jlu@brownrudnick.com

*Attorneys for Plaintiff NuGEN
Technologies, Inc.*

Liane M. Peterson (*pro hac vice*)
lpeterson@foley.com
Bradley D. Roush, Esq. (*pro hac vice*)
broush@foley.com
FOLEY & LARDNER LLP
3000 K Street, NW
Washington, DC 20007
Telephone: 202.672.5300
Facsimile: 202672.5399

Attorneys for Defendant Keygene N.V.

8
9 **ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1**

10 I, Kimberly K. Dodd, attest that concurrence in the filing of this Joint Stipulation and [Proposed]
11 Order Extending Time has been obtained from the counsel for Plaintiff NuGEN Technologies, Inc. I
12 declare under penalty of perjury under the law of the United States of America that the foregoing is true
13 and correct. Executed this 23rd day of May, 2018.

14
15 /s/ Kimberly K. Dodd
16 Kimberly K. Dodd

17 PURSUANT TO STIPULATION, IT IS SO ORDERED.

18
19 Date: May 23, 2018

20 
21 HONORABLE JON S. TIGAR
22 UNITED STATES DISTRICT JUDGE
23
24
25
26
27
28