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20 Attorneys for DEPOMED, INC.

21 IN THE UNITED STATES DISTRICT COURT
 22 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 23 OAKLAND DIVISION

24 DEPOMED, INC., a California corporation,
 Plaintiff and Counterdefendant,
 25 v.
 26 LUPIN PHARMACEUTICALS, INC., a Virginia
 corporation, and LUPIN LIMITED, an Indian
 27 corporation,
 28 Defendants and Counterclaimants.

Case No. 4:09-cv-05587-PJH

**STIPULATED REQUEST FOR ORDER
 CHANGING TIME AND ORDER DENYING
 REQUEST**

Ctrm: 3
 Judge: Honorable Phyllis J. Hamilton

1 WHEREAS, by order dated July 26, 2011, the Court set a Pretrial Schedule Following the Further
2 Case Management Conference (hereafter “Pretrial Schedule”);

3 WHEREAS, the parties engaged in alternative dispute resolution on September 29, 2011;

4 WHEREAS, the parties continue to engage in mediator-guided settlement discussions;

5 WHEREAS, the parties agree that an extension of the Pretrial Schedule dates will potentially
6 preserve the parties’ and Court’s resources in light of ongoing settlement discussions;

7 WHEREAS, this is the parties’ first request for an extension of the Pretrial Schedule;

8 WHEREAS, the requested time modifications will have no effect on the Court ordered Pretrial
9 Conference (July 12, 2012) or Trial date (August 13, 2012);

10 THEREFORE, pursuant to Local Rule 6-2, and subject to the approval of this Court, the parties,
11 through their undersigned counsel, hereby stipulate and agree that:

12 The Pretrial Schedule be amended as follows:

<u>Event</u>	<u>Date</u>	<u>Proposed Date</u>
13 Close of Fact Discovery; 14 Summary Disclosure of Experts 15 and Issues on Which Expert 16 Reports will be Proffered	November 28, 2011	January 31, 2012
17 Expert Reports on Issue Party 18 Bears Burden of Proof; 19 Any Affirmative Expert Report	December 12, 2011	February 10, 2012
20 Rebuttal Expert Reports	January 12, 2012	March 2, 2012
21 Close of Expert Discovery	January 25, 2012	March 16, 2012
22 L/D File Dispositive Motions	February 15, 2012	March 30, 2012
23 Opposition Briefs to Dispositive 24 Motions	March 6, 2012	April 16, 2012
25 Reply Briefs to Dispositive 26 Motions	March 16, 2012	April 25, 2012
27 Dispositive Motions Hearing	April 11, 2012 (by Court Order)	May 9, 2012
28 Pretrial Conference	July 12, 2012 (by Court Order)	July 12, 2012 (by Court Order)
Trial (up to 12 Days)	August 13, 2012 (by Court Order)	August 13, 2012 (by Court Order)

1 Dated: October 24, 2011

DURIE TANGRI LLP

2 By: /s/ Sonali D. Maitra

3 DARALYN J. DURIE
SONALI D. MAITRA

4 Dated: October 24, 2011

RAKOCZY MOLINO MAZZOCHI SIWIK LLP

5 By: /s/ William A. Rakoczy

6 WILLIAM A. RAKOCZY
7 PAUL J. MOLINO
8 RACHEL PERNIC WALDRON
9 HEINZ J. SALMEN

10 Attorneys for Defendants and Counterclaimants
LUPIN PHARMACEUTICALS, INC. a Virginia
corporation, and LUPIN LIMITED, an Indian
corporation

11 Dated: October 24, 2011

McDERMOTT WILL & EMERY LLP

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

13 WILLIAM G. GAEDE, III
14 TERRENCE P. MCMAHON
ANDREW A. KUMAMOTO

15 Attorneys for Plaintiff and Counterdefendant
16 DEPOMED, INC.

17 **FILER'S ATTESTATION**

18 Pursuant to General Order No. 45, Section X (B) regarding signatures, I, Sonali D. Maitra, attest
19 that concurrence in the filing of this document has been obtained.

20
21 Dated: October 24, 2011

/s/ Sonali D. Maitra

SONALI D. MAITRA

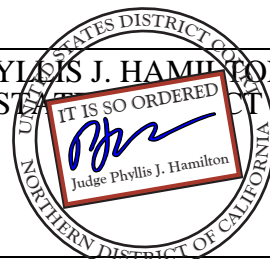
22
23 **[PROPOSED] ORDER**

REQUEST IS DENIED.

24 Upon stipulation of the parties and good cause appearing therefore, ~~IT IS SO ORDERED.~~
25 THE COURT REQUIRES 120 DAYS BETWEEN DISPOSITIVE MOTIONS HEARING DATE
26 AND TRIAL DATE.

27 Dated: 10/24/11

28 HON. PHYLLIS J. HAMILTON
UNITED STATES DISTRICT COURT JUDGE



1 **CERTIFICATE OF SERVICE**

2 I certify that all counsel of record is being served on October 24, 2011 with a copy of this
3 document via the Court's CM/ECF system.

4
5 Dated: October 24, 2011

DURIE TANGRI LLP

6
7 By: /s/ Sonali D. Maitra

SONALI D. MAITRA

8 Attorneys for Defendants and Counterclaimants
9 LUPIN PHARMACEUTICALS, INC. a Virginia
10 corporation, and LUPIN LIMITED, an Indian
11 corporation