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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  
 27 Indian corporation,  
 28 Defendants and Counterclaimants.

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

**STIPULATED REQUEST FOR ORDER  
 CHANGING TIME AND REQUEST FOR  
 TELEPHONE CONFERENCE WITH THE  
 HONORABLE JUDGE HAMILTON  
 AS MODIFIED BY THE COURT**  
 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 good-faith 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, the parties have not been granted an extension of the Pretrial Schedule;

8 WHEREAS, the requested time modifications will have a minor effect on the Court ordered  
9 Pretrial Conference (July 12, 2012) or Trial date (August 13, 2012); assuming the Court is available.

10 WHEREAS, the parties assert that the anticipated trial length to be five (5) days, not twelve (12)  
11 as previously noted.

12 WHEREAS, the trial attorneys for Lupin have other trials set for August 2012;

13 WHEREAS, the parties respectfully request a trial date in late September or October 2012; and

14 WHEREAS, if necessary the parties will consider the option of being “second set” assuming the  
15 Court has a trial previously set on a date in late September or October 2012.

16 ~~WHEREAS, the parties respectfully request to schedule a short telephone Conference with Judge  
17 Hamilton to explain these facts in more detail.~~

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

20 The Pretrial Schedule be amended as follows:

<u>Event</u>	<u>Date</u>	<u>Proposed Date</u>
Close of Fact Discovery; Summary Disclosure of Experts and Issues on Which Expert Reports will be Proffered	November 28, 2011	January 20, 2012
Expert Reports on Issue Party Bears Burden of Proof; Any Affirmative Expert Report	December 12, 2011	January 27, 2012
Rebuttal Expert Reports	January 12, 2012	February 17, 2012
Close of Expert Discovery	January 25, 2012	March 12, 2012
L/D File Dispositive Motions	February 15, 2012	March 19, 2012

<u>Event</u>	<u>Date</u>	<u>Proposed Date</u>
Opposition Briefs to Dispositive Motions	March 6, 2012	April 4, 2012
Reply Briefs to Dispositive Motions	March 16, 2012	April 11, 2012
Dispositive Motions Hearing	April 11, 2012 (by Court Order)	April 25, 2012
Pretrial Conference	July 12, 2012 (by Court Order)	September 13, 2012 (by Court Order)
Trial (up to 5 Days)	August 13, 2012 (by Court Order)	October 15, 2012 (second place position)

Dated: November 2, 2011

DURIE TANGRI LLP

By: /s/ Sonali D. Maitra

DARALYN J. DURIE  
SONALI D. MAITRA

Dated: November 2, 2011

RAKOCZY MOLINO MAZZOCHI SIWIK LLP

By: /s/ William A. Rakoczy

WILLIAM A. RAKOCZY  
PAUL J. MOLINO  
RACHEL PERNIC WALDRON  
HEINZ J. SALMEN

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

Dated: November 2, 2011

McDERMOTT WILL & EMERY LLP

By: /s/ William G. Gaede, III

WILLIAM G. GAEDE, III

Attorneys for Plaintiff and Counterdefendant  
DEPOMED, INC.

**FILER'S ATTESTATION**

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

Dated: November 2, 2011

/s/ Sonali D. Maitra

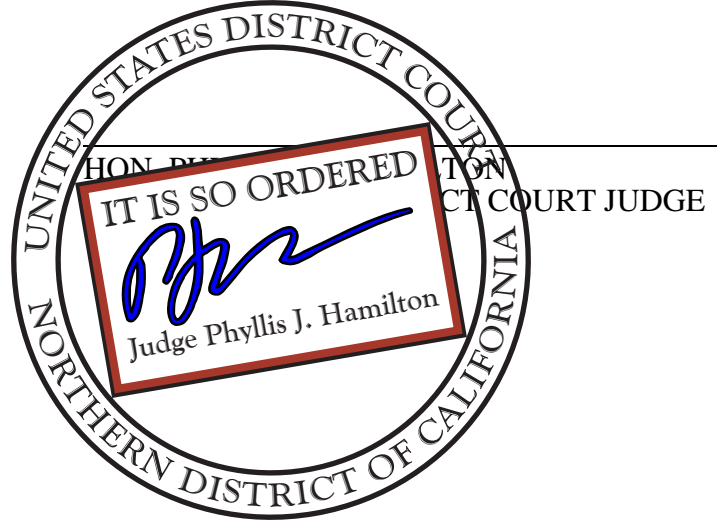
SONALI D. MAITRA

**PROPOSED ORDER**

Upon stipulation of the parties and good cause appearing therefore, IT IS SO ORDERED.

~~Further, a telephone conference is hereby ORDERED for \_\_\_\_\_~~

Dated: 11/7/11 \_\_\_\_\_



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1 **CERTIFICATE OF SERVICE**

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

4  
5 Dated: November 2, 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