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PHARMACEUTICALS, INC. and LUPIN LIMITED

25
26 IN THE UNITED STATES DISTRICT COURT
27 IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA
28 OAKLAND DIVISION

1 DEPOMED, INC., a California Corporation,
2 Plaintiff and Counter-Defendant,
3 v.
4 LUPIN PHARMACEUTICALS, INC., a
5 Virginia Corporation, and LUPIN LIMITED, an
6 Indian Corporation,
7 Defendants and Counter-Claimants.

Case No. C-09-5587 (PJH)

ELECTRONIC CASE FILING

**STIPULATED REQUEST FOR
ORDER CHANGING TIME AND
~~REQUEST FOR TELEPHONE
CONFERENCE WITH
HONORABLE JUDGE HAMILTON~~**

7 WHEREAS, by order dated November 2, 2011, the Court set a Pretrial Schedule;

8 WHEREAS, the parties have been granted an extension of the Pretrial Schedule by Order
9 dated November 2, 2011;

10 WHEREAS, the requested time modifications will not effect on the Court's previous
11 Order (Dkt. No. 126) requiring 120 days between dispositive motions hearing date and trial date;

12 WHEREAS, Lupin has informed Depomed that it must travel to India to take the
13 depositions of the Lupin witnesses noticed for deposition by Depomed;

14 WHEREAS, counsel for Depomed has been unable, despite its efforts, to secure all
15 necessary travel documents and office space for these depositions in India before the close of fact
16 discovery on January 20, 2012; and

17 WHEREAS, it may be necessary for Lupin to take the deposition of certain Depomed
18 witnesses after the close of fact discovery;

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

21 The Pretrial Schedule be amended as follows:

22 Event	Date	Proposed Date
23 Close of Fact Discovery; 24 Summary Disclosure of Experts 25 and Issues on Which Expert Reports will be Proffered	January 20, 2012	January 27, 2012
26 Expert Reports on Issue Party 27 Bears Burden of Proof; Any Affirmative Expert Report	January 27, 2012	February 3, 2012

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Rebuttal Expert Reports	February 17, 2012	February 24, 2012
Close of Expert Discovery	March 12, 2012	March 15, 2012
L/D File Dispositive Motions	March 19, 2012	Same
Opposition Briefs to Dispositive Motions	April 4, 2012	Same
Reply Briefs to Dispositive Motions	April 11, 2012	Same
Dispositive Motions Hearing	April 25, 2012	Same
Pretrial Conference	September 13, 2012 (by Court Order)	Same
Trial (up to 5 Days)	October 15, 2012 (second place position)	Same

Dated: January 9, 2012

McDERMOTT WILL & EMERY LLP

By: /s/ Terry W. Ahearn

William G. Gaede, III
Terry W. Ahearn
Bryan K. James
Shane G. Smith

Attorneys for Plaintiff and Counter-Defendant
Depomed, Inc.

Dated: January 9, 2012

DURIE TANGRI LLP

By: /s/ Daralyn J. Durie

Daralyn J. Durie
Sonali D. Maitra

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CERTIFICATE OF SERVICE

I certify that all counsel of record is being served on January 9, 2012, with a copy of this document via the Court's CM/ECF system.

Dated: January 9, 2012

/s/ Terry W. Ahearn

Terry W. Ahearn

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