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20	IN THE UNITED STATES DISTRICT COURT	
20	IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA	
22	DEPOMED, INC., a California Corporation,	No. 09-CV-05587 PJH
23	1 /	STIPULATION AND [Proposed] ORDER
24	Plaintiff,	RESCHEDULING HEARING DATE AND BRIEFING SCHEDULE OF PLAINTIFF'S
	V.	MOTION FOR LEAVE TO AMEND COMPLAINT TO DISMISS WITHOUT
25	LUPIN PHARMACEUTICALS, INC., a Virginia Corporation, and LUPIN	PREJUDICE PLAINTIFF'S SECOND CAUSE OF ACTION AND DEFENDANT'S
26	LIMITED, an Indian Corporation,	COUNTERCLAIMS AND AFFIRMATIVE DEFENSES RELATED TO U.S. PATENT
27	Defendants.	NO. 6,723,340
28		
	DM_US 26401615-1.082221.0015	STIPULATION AND ORDER EXTENDING HEARING DATE AND BRIEFING SCHEDULE RE M/AMEND CASE NO. 09-CV-05587 PJH

1 WHEREAS, Plaintiff filed a Motion to Amend the Complaint and Dismiss Without 2 Prejudice Plaintiff's Second Cause of Action, Defendants' Third and Fourth Counterclaims and 3 Defendants' Second, Third, Fourth and Fifth Affirmative Defenses Related to U.S. Patent No. 4 6,723,340 on August 2, 2010; 5 WHEREAS, the hearing on Plaintiff's above-referenced motion is presently set for 6 September 8, 2010, at 9:00 in Courtroom 3 of the above-referenced Court; 7 WHEREAS, Defendants' opposition and Plaintiff's reply memorandum are presently due 8 August 18, 2010, and August 25, 2010, respectively; 9 WHEREAS, due to scheduling conflict on Plaintiff's part, counsel has conferred and 10 agreed that the hearing date should be rescheduled to September 15, 2010, and the briefing 11 schedule amended; IT IS HEREBY STIPULATED, by and between the parties hereto, through their 12 13 respective counsel, as follows: 14 1. The date on which Plaintiff's Motion to Amend the Complaint and Dismiss Without Prejudice Plaintiff's Second Cause of Action, Defendants' Third and Fourth 15 16 Counterclaims and Defendants' Second, Third, Fourth and Fifth Affirmative Defenses Related to 17 U.S. Patent No. 6,723,340 be heard be rescheduled to September 15, 2010, at 9:00a.m. in 18 Courtroom 3 before the Honorable Phyllis J. Hamilton; 19 2. The date for filing Defendants' opposition be extended to August 25, 2010; and 3. 20 The date for filing Plaintiff's reply be extended to September 1, 2010. 21 SO STIPULATED this 18th day of August 2010. 22 MCDERMOTT WILL & EMERY LLP RAKOCZY MOLINO MAZZOCHI SIWIK LLP 23 24 /s/ William G. Gaede, III By: By: /s/ Paul J. Molino

Paul J. Molino

Attorneys for *Lupin Limited and Lupin Pharmaceuticals, Inc.*

STIPULATION AND ORDER EXTENDING HEARING DATE AND BRIEFING SCHEDULE RE M/AMEND CASE NO. 09-CV-05587 PJH

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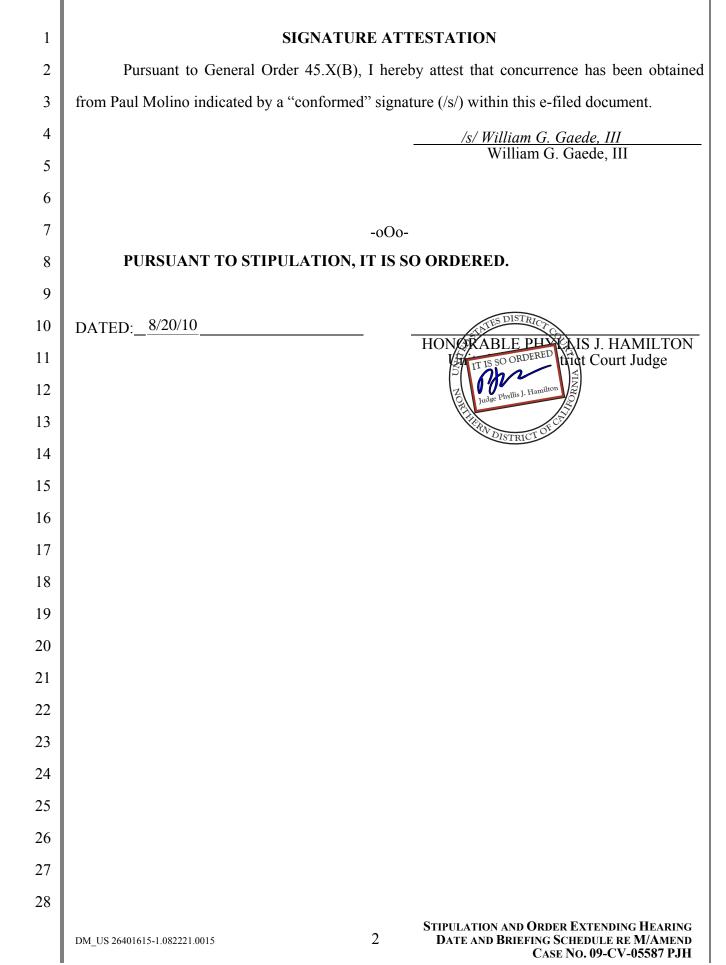
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William G. Gaede, III

Attorneys for *Depomed*, *Inc*.

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