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Attorneys for *Lupin Pharmaceuticals, Inc. and
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20 IN THE UNITED STATES DISTRICT COURT

21 IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

22 DEPOMED, INC., a California
Corporation,

23 Plaintiff,

24 v.

25 LUPIN PHARMACEUTICALS, INC., a
26 Virginia Corporation, and LUPIN
LIMITED, an Indian Corporation,

27 Defendants.
28

No. 09-CV-05587 PJH

**STIPULATION AND [~~PROPOSED~~] ORDER
RESCHEDULING HEARING DATE AND
BRIEFING SCHEDULE OF PLAINTIFF'S
MOTION FOR LEAVE TO AMEND
COMPLAINT TO DISMISS WITHOUT
PREJUDICE PLAINTIFF'S SECOND
CAUSE OF ACTION AND DEFENDANT'S
COUNTERCLAIMS AND AFFIRMATIVE
DEFENSES RELATED TO U.S. PATENT
NO. 6,723,340**

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;

12 IT IS HEREBY STIPULATED, by and between the parties hereto, through their
13 respective counsel, as follows:

14 1. The date on which Plaintiff's Motion to Amend the Complaint and Dismiss
15 Without Prejudice Plaintiff's Second Cause of Action, Defendants' Third and Fourth
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

20 3. 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

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24 By: /s/ William G. Gaede, III
25 William G. Gaede, III

By: /s/ Paul J. Molino
Paul J. Molino

26 Attorneys for *Depomed, Inc.*

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

