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19 Attorneys for Depomed, Inc.

20 IN THE UNITED STATES DISTRICT COURT

21 FOR THE NORTHERN DISTRICT OF CALIFORNIA

22 DEPOMED, INC., a California corporation,

23 Plaintiff and Counterdefendant,

24 v.

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

27 Defendants and Counterclaimants.
 28

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

**STIPULATION AND [~~PROPOSED~~] ORDER
 REGARDING JOINT CLAIM
 CONSTRUCTION STATEMENT AND
 CONSTRUCTION OF TERM**

1 WHEREAS, the parties have worked diligently to complete the Joint Claim Construction
2 Statement presently due on September 29, 2010 and believe that additional time will allow them to
3 simplify the issues before the Court,

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

6 1. The date on which the Joint Claim Construction Statement is due for all claim terms
7 disclosed in the parties original Patent L.R. 4-1 disclosures shall be extended from September 29, 2010 to
8 October 1, 2010; and

9 2. For the claim term "until all of said drug is released" that was subsequently disclosed by
10 defendants as a term to be construed, the parties shall have until October 15, 2010 to file an amended
11 Joint Claim Construction Statement that will address this claim term only.

12 Dated: September 29, 2010

DURIE TANGRI LLP

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14 By: /s/ Sonali D. Maitra

DARALYN J. DURIE
SONALI D. MAITRA

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

19 Dated: September 29, 2010

McDERMOTT WILL & EMERY LLP

20
21 By: /s/ William G. Gaede, III

WILLIAM G. GAEDE, III

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23 Attorneys for Plaintiff and Counterdefendant
24 Depomed, Inc.

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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: September 29, 2010

/s/ Sonali D. Maitra

SONALI D. MAITRA

[PROPOSED] ORDER

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

Dated: 9/30/10

HONORABLE PHYLIS J. HAMILTON
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
IT IS SO ORDERED
Phyllis J. Hamilton
JUDGE PHYLIS J. HAMILTON
DISTRICT COURT JUDGE