

1 Ryan M. Sandrock (SBN 251781)  
 rsandrock@sidley.com  
 2 SIDLEY AUSTIN LLP  
 555 California Street  
 3 Suite 2000  
 San Francisco, CA 94104  
 4 Telephone: +1 415 772 1200  
 Facsimile: +1 415 772 7400

Thomas R. Burke (SBN 141930)  
 thomasburke@dwy.com  
 DAVIS WRIGHT TREMAINE LLP  
 505 Montgomery Street, Suite 800  
 San Francisco, CA 94111-6533  
 Telephone: +1 415 276-6500  
 Facsimile: + 1 415 276-6599

5 Richard D. Raskin (*pro hac vice*)  
 6 rraskin@sidley.com  
 SIDLEY AUSTIN LLP  
 7 One South Dearborn  
 Chicago, Illinois 60603  
 8 Telephone: +1 312 853 7000  
 Facsimile: +1 312 853 7036

Jonathan R. Donnellan (*pro hac vice*)  
 jdonellan@hearst.com  
 Ravi V. Sitwala (*pro hac vice*)  
 rsitwala@hearst.com  
 THE HEARST CORPORATION  
 300 West 57<sup>th</sup> Street  
 New York, New York 10019  
 Telephone: +1 212 649 2006  
 Facsimile: +1 646 280 2006

9 Benjamin M. Mundel (*pro hac vice*)  
 10 bmundel@sidley.com  
 Daniel J. Hay (*pro hac vice*)  
 11 dhay@sidley.com  
 SIDLEY AUSTIN LLP  
 12 1501 K St NW  
 Washington, DC 20005  
 13 Telephone: +1 202 736 8157  
 Facsimile: +1 202 736 8711

Attorneys for Defendant  
 FIRST DATABANK, INC.

14 Attorneys for Plaintiff  
 15 EXELTIS USA, INC.

16 UNITED STATES DISTRICT COURT  
 17 NORTHERN DISTRICT OF CALIFORNIA  
 18 OAKLAND DIVISION

19 EXELTIS USA, INC., a New Jersey Corporation,  
 20 Plaintiff,  
 21 v.  
 22 FIRST DATABANK, INC., a Missouri  
 Corporation,  
 23 Defendant.  
 24

Case No. 4:17-cv-04810-HSG  
**STIPULATION AND ORDER  
 REGARDING SCHEDULE**

1 Pursuant to Local Rules 6-2 and 7-12, the parties hereby stipulate to the following:

2 Pursuant to stipulation, the Court entered a discovery schedule on May 1, 2018. Pursuant to  
3 stipulation the Court entered an amended discovery schedule on July 27, 2018. Pursuant to  
4 stipulation, on October 17, 2018, the Court entered a revised scheduling order with fact discovery to  
5 complete by January 15, 2019. Prior to this cut-off date, the parties agreed to permit fact depositions  
6 to take place beyond the deadline and have since schedule depositions. Depositions are currently  
7 scheduled to take place through March 22, 2019, with a few additional depositions (including both  
8 Parties' Rule 30(b)(6) depositions and Defendant employee depositions) yet to be scheduled.

9 Since the Court entered the scheduling order, First Databank announced that it would further  
10 delay implementation of its plan to recode the products at issue in this case until October 1, 2019.  
11 As a result, the exigency requiring the accelerated schedule proposed in October has lessened  
12 slightly, and the parties are amenable to a short extension of the schedule.

13 The Parties have met and conferred about the current schedule and hereby stipulate to, and  
14 ask the Court to enter, the following revisions to the scheduling order:

15

<u>Event</u>	<u>Current Date</u>	<u>Proposed Date</u>
16 Fact Depositions	17 November 26, 2018, to 18 January 15, 2019	19 November 26, 2018, to April 20 5, 2019
21 Expert Disclosures	22 February 15, 2019	23 May 3, 2019
24 Rebuttal Expert Disclosures	25 March 5, 2019	26 May 17, 2019
27 Close of Expert Discovery	28 March 15, 2019	May 31, 2019
Summary Judgment Motions	March 22, 2019	June 12, 2019

1 DATED: January 18, 2019

2 Respectfully submitted,

3  
4 By: /s/ Benjamin M. Mundel  
5 Benjamin M. Mundel (*pro hac vice*)  
6 SIDLEY AUSTIN LLP  
7 1501 K St NW  
8 Washington, DC 20005  
9 Telephone: +1 202 736 8157  
10 Facsimile: +1 202 736 8711

By: /s/Ravi v. Sitwala  
Ravi V. Sitwala (*pro hac vice*)  
THE HEARST CORPORATION  
300 West 57<sup>th</sup> Street  
New York, New York 10019  
Telephone: +1 212 649 2006  
Facsimile: +1 646 280 2006

11 *Attorney for Exeltis USA, Inc.*

*Attorney for First Databank, Inc.*

12  
13  
14 **SIGNATURE ATTESTATION**

15 I am the ECF User whose identification and password are being used to file the foregoing  
16 Stipulation and [Proposed] Order Regarding Briefing Schedule. In compliance with Local Rule 5-  
17 1(i)(3), I hereby attest that the other signatories have concurred in this filing.

18 DATED: January 18, 2019

SIDLEY AUSTIN LLP

19 By: /s/ Benjamin M. Mundel  
20 Benjamin M. Mundel  
21 Attorney for Exeltis USA, Inc.

1 **ORDER**

2 Pursuant to the foregoing stipulation of the parties and good cause appearing, it is hereby  
3 ORDERED as followed:

- 4 1. The above stipulation is GRANTED.  
5 2. The Court ORDERS the following schedule:

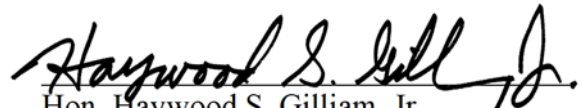
6

<u>Event</u>	<u>Proposed Date</u>
7 Fact Depositions	8 November 26, 2018, to April 5, 2019
9 Expert Disclosures	10 May 3, 2019
11 Rebuttal Expert Disclosures	12 May 17, 2019
13 Close of Expert Discovery	14 May 31, 2019
15 Summary Judgment Motions	16 June 12, 2019

17

18 PURSUANT TO STIPULATION, IT IS SO ORDERED

19 Dated: January 22, 2019

20   
21 Hon. Haywood S. Gilliam, Jr.  
22 United States District Judge