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 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 ~~PROPOSED~~
 ORDER REGARDING AMENDED
 COMPLAINT AND HEARING**

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The parties hereby stipulate to the following:

On February 28, 2019, Plaintiff filed a motion to amend its complaint. Dkt. 149.

On March 14, 2019, Defendant opposed this motion. Dkt. 153.

The Court scheduled a hearing for this motion for May 30, 2019.

First Databank agrees to withdraw its opposition to Exeltis’s motion to amend its complaint and stipulates to the filing of the amended complaint under Rule 15.

In light of this stipulation, the parties consent to removing the hearing scheduled for May 30, 2019 from the Court’s calendar.

By the upcoming summary judgment deadline, First Databank intends to file a motion for summary judgment addressing all claims in the amended complaint, in lieu of filing an answer or other motion.

Exeltis agrees that First Databank’s summary judgment motion would serve as a timely response to the amended complaint.

DATED: May 23, 2019

Respectfully submitted,

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

Attorney for First Databank, Inc.

1 **SIGNATURE ATTESTATION**

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

5 DATED: May 23, 2019

SIDLEY AUSTIN LLP

6 By: /s/ Benjamin M. Mundel
7 Benjamin M. Mundel
8 Attorney for Exeltis USA, Inc.

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~~PROPOSED~~ ORDER

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

1. Plaintiff's motion to amend its complaint, DKT 149 is GRANTED.
2. The hearing scheduled for May 30, 2019 is vacated

PURSUANT TO STIPULATION, IT IS SO ORDERED

Dated: 5/24/2019


Hon. Haywood S. Gilliam, Jr.
United States District Judge