

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*)
 THE HEARST CORPORATION
 300 West 57th Street
 New York, New York 10019
 Telephone: +1 212 649 2020
 Facsimile: +1 212 649 2035

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

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

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 vs.
 22 FIRST DATABANK, INC., a Missouri
 Corporation,
 23 Defendant.
 24

Case No. 4:17-cv-04810-HSG

**STIPULATION AND ORDER
 REGARDING BRIEFING SCHEDULE ON
 MOTION TO DISMISS AND STRIKE**

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

2 On August 17, 2017, Exeltis USA, Inc. (Exeltis) filed a Complaint (Dkt. No. 1) and Motion
3 for Preliminary Injunction (Dkt No. 3), against First Databank Inc. This motion sought to prevent
4 First Databank from recoding Exeltis’s prescription prenatal vitamins from “F” to “O”.

5 On the same day, Exeltis filed a Motion to Shorten Time (Dkt No. 4) for briefing and hearing
6 on its Motion for Preliminary Injunction. First Databank subsequently agreed not to implement its
7 proposed change in coding, which was set to take effect on September 15, 2017. First Databank
8 agreed to make no change prior to at least until December 22, 2017. The parties therefore stipulated
9 to a briefing and hearing schedule on Plaintiffs’ motion for a preliminary injunction. The Court
10 entered the stipulated briefing schedule (Dkt. No. 23), and this mooted Plaintiff’s motion to shorten
11 time.

12 On October 2, 2017, Defendants filed a motion to dismiss and motion to strike. (Dkt. No.
13 26). The Court has set November 29, 2017 as the hearing date for this motion. (Dkt. No. 29). The
14 parties respectfully stipulate and request to set the following briefing schedule on this motion:

Event	Date
Plaintiffs’ Response to Motion to Dismiss and Motion Strike	November 6, 2017
Defendant’s Reply In Support of Motion to Dismiss and Motion To Strike	November 20, 2017

18 All other hearing dates would remain the same. This schedule will permit the parties to fully
19 brief this new motion prior to the hearing date set by the court.

20 If the Court grants this request, the schedule for all pending motions will be as follows:

Event	Date
First Databank’s Opposition to Exeltis’s Motion for Preliminary Injunction	October 25, 2017
Plaintiffs’ Response to Motion to Dismiss and Motion Strike	November 6, 2017
Exeltis’s Reply In Support of Motion for Preliminary Injunction	November 15, 2017
Defendant’s Reply In Support of Motion to Dismiss and Motion To Strike	November 20, 2017
Preliminary Injunction Hearing; Hearing on Motion To Dismiss and Strike	November 29, 2017

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DATED: October 9, 2017

Respectfully submitted,

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

By:/s/ Ravi Sitwala
Jonathan R. Donnellan (*pro hac vice*)
THE HEARST CORPORATION
300 West 57th Street
New York, New York 10019
Telephone: +1 212 649 2020
Facsimile: +1 212 649 2035

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

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

Benjamin M. Mundel (*appearance pro hac vice*)
bmundel@sidley.com
SIDLEY AUSTIN LLP
1501 K St NW
Washington, DC 20005
Telephone: +1 202 736 8157
Facsimile: +1 202 736 8711

Attorneys for Defendant
FIRST DATABANK, INC.

Daniel J. Hay (*appearance pro hac vice*)
dhay@sidley.com
SIDLEY AUSTIN LLP
1501 K St NW
Washington, DC 20005
Telephone: +1 202 736 8048
Facsimile: +1 202 736 8711

Attorneys for Plaintiff
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 court ORDERS the following briefing and hearing schedule:


5

<u>Event</u>	<u>Date</u>
First Databank's Opposition to Exeltis's Motion for Preliminary Injunction	October 25, 2017
Plaintiffs' Response to Motion to Dismiss and Motion Strike	November 6, 2017
Exeltis's Reply In Support of Motion for Preliminary Injunction	November 15, 2017
Defendant's Reply In Support of Motion to Dismiss and Motion To Strike	November 20, 2017
Preliminary Injunction Hearing; Hearing on Motion To Dismiss and Strike	November 29, 2017

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13 PURSUANT TO STIPULATION, IT IS SO ORDERED

14 Dated: October 10, 2017

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