

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

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

**STIPULATION AND ORDER
 REGARDING DISCOVERY SCHEDULE**

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

2 At the Court’s direction, Dkt. 74, the parties filed separate, proposed discovery scheduling
3 orders, *see* Dkt. 73 (Exeltis), 75 (First Databank). Following additional discussions, including with
4 the Court’s ADR program, and upon consideration of the needs of this case, the parties have agreed
5 to the below schedule. If it meets with the Court’s approval, the parties request that the Court enter
6 the attached order setting the following deadlines:

<u>Event</u>	<u>Date</u>
Completion of private mediation	June 29, 2018
Close of fact discovery	September 21, 2018
Expert disclosures for issues on which the proponent bears the burden of proof	October 1, 2018
Rebuttal expert disclosures	November 2, 2018
Close of expert discovery	November 16, 2018
Summary judgment motions	December 7, 2018

13 In order to facilitate a meaningful mediation, First Databank has also agreed to delay its
14 coding change of products at issue in this litigation. It will not announce any such change until July
15 13, 2018 and will provide an additional 30 days of notice from any such announcement before
16 implementing any such change.

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18 DATED: May 1, 2018

Respectfully submitted,

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20 By: /s/ Benjamin M. Mundel
21 Benjamin M. Mundel (*pro hac vice*)
22 SIDLEY AUSTIN LLP
23 1501 K St NW
24 Washington, DC 20005
25 Telephone: +1 202 736 8157
26 Facsimile: +1 202 736 8711

By: /s/Ravi v. Sitwala
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

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28 *Attorney for Exeltis USA, Inc.*

Attorney for First Databank, Inc.

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SIGNATURE ATTESTATION

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

DATED: May 1, 2018

SIDLEY AUSTIN LLP

By: /s/ Benjamin M. Mundel
Benjamin M. Mundel
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 discovery schedule:


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<u>Event</u>	<u>Date</u>
Completion of private mediation	June 29, 2018
Close of fact discovery	September 21, 2018
Expert disclosures for issues on which the proponent bears the burden of proof	October 1, 2018
Rebuttal expert disclosures	November 2, 2018
Close of expert discovery	November 16, 2018
Summary judgment motions	December 7, 2018

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13 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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15 Dated: May 1, 2018

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