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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

**STIPULATED REQUEST TO MOVE
 HEARING DATE FROM OCTOBER 1 TO
 SEPTEMBER 28 OR OCTOBER 2**

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

2 On September 18, 2018, the Court set a hearing on Defendant First Databank, Inc.'s ("First
3 Databank") Emergency Motion for a Protective Order Staying Discovery, ECF 92 ("Motion to
4 Stay") and First Databank's Motion to Dismiss as Moot, ECF 89 ("Motion to Dismiss) for October
5 1, 2018.

6 Counsel for Exeltis has a longstanding professional commitment scheduled for October 1,
7 2018 in New Jersey and therefore respectfully requests that the hearing be rescheduled if possible.
8 Counsel for Exeltis has conferred with counsel for First Databank and the parties have checked the
9 Court's calendar. Both parties are available for a hearing on October 2 and September 28. They are
10 also available October 5 and October 8-12, but recognize that the Court's calendar indicates it is not
11 available then.

12 Counsel for Exeltis apologizes to the Court for the inconvenience. This request will not
13 impact any other deadline in the case.

14 Date: September 18, 2018

Respectfully submitted,

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16 By: /s/ Benjamin M. Mundel
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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 Regarding Briefing Schedule. In compliance with Local Rule 5-
4 1(i)(3), I hereby attest that the other signatories have concurred in this filing.

5 DATED: September 18, 2018

SIDLEY AUSTIN LLP

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

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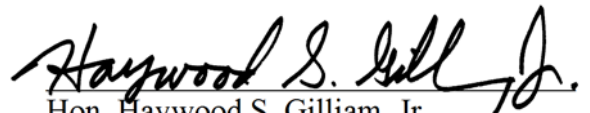
ORDER

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

1. The previously scheduled hearing on First Databank’s Emergency Motion for a Protective Order Staying Discovery and First Databank’s Motion to Dismiss is reset for October 2, 2018 at 10:00 a.m.

PURSUANT TO STIPULATION, IT IS SO ORDERED

Dated: September 19, 2018


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