Astellas Pharma Inc. et al v. IMPAX Laboratories, Inc.

	Case 5:08-cv-03466-JW	Document 73	Filed 03/18/2009	Page 1 of 3				
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14	BOEHRINGER INGELHEIM PHARMACEUTICALS INC.							
15	UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA							
16	SAN JOSE DIVISION							
17	ASTELLAS PHARMA, IN	C and	Case No. 3:08-cv-034	466 IW				
	BOEHRINGER INGELHE	M						
18	PHARMACEUTICALS, IN	С.,	STIPULATION AN	D PROPOSILIER				
19	Plaintiffs,		ORDER EXTENDI PLAINTIFFS TO F	•				
20	VS.		SUPPORT OF CLA	IM				
21	IMPAX LABORATORIES.	INC.,	CONSTRUCTION	BRIEF IS FOUND AS MOOT				
22	Defendants.							
23								
24	Dlaintiffe Astallas Dh	arma Inc. and Roal	ringer Ingelheim Dhe	rmaceuticals. Inc				
25	-	Plaintiffs, Astellas Pharma, Inc. and Boehringer Ingelheim Pharmaceuticals, Inc.						
26		(collectively "plaintiffs"), by and through their attorneys of record, hereby request that this Court						
27	issue an order granting plaintiffs an extension of one (1) day, or until Friday, March 20, 2009, to							
28	file their reply in support of their claim construction brief. The current due date for the reply,							
	1 STIPULATION AND [PROPOSED] ORDER EXTENDING TIME FOR PLAINTIFFS TO FILE REPLY IN							
	SUPPORT OF CLAIM CONSTRUCTION BRIEF; CASE NO. 3:08-cv-03466 JW							

Doc. 76

1	March 19, 2009, was agreed to by the parties during the meet and confer process in preparing the					
2	Joint Case Management Statement and was adopted by the Court in its Scheduling Order dated					
3	November 20, 2008. Defendant, Impax Laboratories, Inc. ("Impax") does not oppose this					
4	request and, by and through its counsel, stipulates that the plaintiffs may be granted an extension					
5	of one (1) day, or until Friday, March 20, 2009, to file their reply in support of their claim					
6	construction brief.					
7	The extension will not prejudice Impax as there is no further briefing to be filed on the					
8	claim construction matter.					
9	Plaintiffs and Impax request that the claim construction hearing date of Friday, May 1,					
10	2009, at 9:00 a.m. remain on calendar as scheduled.					
11						
12	Dated: March 18, 2009 M	ICMANIS FAULKNER				
13		//s//				
14	M	IATTHEW SCHECHTER				
15		ttorneys for Plaintiffs,				
16		STELLAS PHARMA, INC., and BOEHRINGER NGELHEIM PHARMACEUTICALS, INC.				
17						
18	Dated: March 18, 2009 D	URIE TANGRI LEMLEY ROBERTS & KENT LLP				
19						
20	_	//s//				
21	R	YAN KENT				
22		ttorneys for Defendant, MPAX LABORATORIES, INC.				
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	STIPULATION AND [PROPOSED] ORDER EXTENDING TIME FOR PLAINTIFFS TO FILE REPLY IN SUPPORT OF CLAIM CONSTRUCTION BRIEF; CASE NO. 3:08-cv-03466 JW					

	Case 5:08-cv-03466-JW	Document 73	Filed 03/18/2009	Page 3 of 3			
1		01					
1	ORDER						
2	PURSUANT TO STIPULAT						
3	Plaintiff's have filed their reply as of for May 1, 2009 at 9:00 AM.	March 19, 2009. Th	le Claim Construction heari	ng remains on calendar			
4		Q	mealtha				
5	Dated: March <u>20</u> , 2009	NON CONTRACTOR	ORABLE JAMES WA				
6		NOR	ED STATES DISTRIC	F CALIFORNIA			
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	STIPULATION AND [PROPOSED SUPPORT OF CLAIM CONSTRU-	PULATION AND [PROPOSED] ORDER EXTENDING TIME FOR PLAINTIFFS TO FILE REPLY IN PPORT OF CLAIM CONSTRUCTION BRIEF: CASE NO. 3:08-cv-03466 JW					