

United States District Court
For the Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

E-FILED 02-10-2010

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MEDIMMUNE, LLC,
Plaintiff,
v.
PDL BIOPHARMA,
Defendant.

No. C08-05590 JF (HRL)
**ORDER DENYING DEFENDANT’S
MOTION FOR AN ORDER
SHORTENING TIME**
[Re: Docket No. 348]

Defendant PDL Biopharma, Inc. (“PDL”) moves for an order shortening time for briefing and hearing on (a) its motion to amend its Patent L.R. 3-1 disclosures (Docket #334); (b) its motion to compel discovery from plaintiff MedImmune, LLC (“MedImmune”) (Docket #338), and (c) MedImmune’s motion for protective order (Docket #311). PDL asserts that an expedited briefing and hearing schedule are necessary because the discovery at issue is critical to expert reports due February 16, 2010 and rebuttal expert reports due March 2, 2010.

This court does not find good cause for an order shortening time. The record presented indicates that PDL is now moving to compel discovery that was served nearly one year ago, as well as discovery that was not served until shortly before the fact discovery cutoff. Expert disclosure deadlines were set months ago. If PDL felt this discovery was critical to its case, it surely would not have waited until near the close of the discovery period to request it — or until after the fact discovery cutoff to move to compel it. Moreover, even under PDL’s proposed

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

expedited schedule, the parties' expert reports would be due before these motions could be fully briefed and heard. Accordingly, the motion for an order shortening time is denied. The parties' respective discovery motions will be heard on **March 16, 2010, 10:00 a.m.** Briefing shall proceed in accordance with a normal 35-day calendar under the court's Civil Local Rules.

SO ORDERED.

Dated: February 10, 2010



HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

- 1 5:08-cv-05590-JF Notice electronically mailed to:
- 2 Aaron P. Maurer amaurer@wc.com
- 3 Aaron Y Huang aaron.huang@weil.com
- 4 Dana K Powers dana.powers@weil.com
- 5 David Isaac Berl dberl@wc.com
- 6 David Isaac Gindler DGindler@Irell.com, dlieberman@irell.com
- 7 Gerson Avery Zweifach gzweifach@wc.com
- 8 Jeffrey E. Faucette jfaucette@tcolaw.com, abradley@tcolaw.com, cdunbar@tcolaw.com,
9 cwoodrich@tcolaw.com
- 10 Jessamyn Sheli Berniker jberniker@wc.com
- 11 Paul B. Gaffney pgaffney@wc.com
- 12 Raymond Angelo LaMagna rlamagna@irell.com
- 13 Vernon Michael Winters vern.winters@weil.com, nettie.asiasi@weil.com

14 Counsel are responsible for distributing copies of this document to co-counsel who have not
15 registered for e-filing under the court's CM/ECF program.

16
17
18
19
20
21
22
23
24
25
26
27
28