

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

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|--------------------------------|---|-------------------------------|
| LIFESCAN, INC. and |) | Case No.: 12-CV-06360 |
| JOHNSON & JOHNSON, |) | |
| |) | |
| Plaintiffs, |) | ORDER DENYING STIPULATION RE: |
| |) | CASE SCHEDULING |
| vs. |) | |
| |) | |
| SHASTA TECHNOLOGIES, LLC, |) | |
| PHARMATECH SOLUTIONS, INC., |) | |
| DECISION DIAGNOSTICS CORP. and |) | |
| CONDUCTIVE TECHNOLOGIES, INC. |) | |

The parties have submitted a stipulation and proposed order requesting that the Court set a deadline of January 28, 2013 for Plaintiffs to file responses to Defendants Shasta Technologies, Inc. and Conductive Technologies, Inc.’ evidentiary objections to the Declarations of Ty Lee and Erich Joachimsthaler (ECF Nos. 32-33 (“Objections”)). See ECF No. 42 (“Stipulation”). January 28, 2013 is the due date for Plaintiffs’ reply brief in support of Plaintiff’s Motion for Preliminary Injunction. See ECF No. 41.

The Objections were originally filed by Defendants Shasta Technologies, Inc., and Conductive Technologies, Inc. as two separate documents to be considered in connection with those Defendants’ Opposition to Plaintiff’s Motion for Preliminary Injunction. See ECF No. 27. Defendants Pharmatech Solutions, Inc. and Decision Diagnostics Corp. filed a separate Opposition. See ECF No. 29. After Defendants filed their Oppositions, the Court ordered that all Defendants file a single consolidated Opposition. See ECF No. 41. Based on the parties’ Stipulation, the

1 Court surmises that all Defendants now wish that the Objections be considered in connection with
2 Defendants' recently filed joint Opposition. *See* ECF No. 49.

3 Local Rule 7-3(b) provides that "[a]ny evidentiary and procedural objections to [a party's]
4 motion must be contained within the [Opposition] brief or memorandum." Defendants' Objections
5 are not contained in Defendants' joint Opposition but rather are contained in two separately filed
6 documents, which constitute 15 pages of additional unauthorized briefing. Accordingly, the Court
7 disregards Defendants' Objections.¹ The parties' Stipulation seeking an order setting a deadline for
8 Plaintiffs' response to the Objections is therefore DENIED.

9 **IT IS SO ORDERED.**

10 Dated: January 23, 2013



11 LUCY H. KOH
12 United States District Judge

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¹ To the extent Defendants' joint Opposition brief contains evidentiary objections, the Court will consider these objections.