

Defendants' Exhibit 3

Wetzler, Lauren

From: Christopher Mizzo [cmizzo@kirkland.com]
Sent: Monday, November 05, 2007 3:55 PM
To: Wetzler, Lauren
Cc: John Desmarais; jnealon@kelleydrye.com; smooore@kelleydrye.com
Subject: Proposed Summary Judgment Briefing Schedule
Attachments: Plaintiffs Draft SJ Consent Order.doc

Dear Lauren,

Thank you for sending us your proposed schedule on Friday. After considering your proposed schedule, however, we believe a simultaneous briefing schedule that gives all parties sufficient time to submit their papers would be more appropriate. Further, we believe the schedule should account for the Defendants' answers to the Plaintiffs' amended complaints, as well as allow for a discovery period (without requiring Defendants to take a position on the propriety of that discovery at this time).

In that regard, attached please find our proposed summary judgment briefing schedule.

Please let us know if you have any questions.

Best regards,
Chris

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UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

TRANTAFYLLOS TAFAS,

Plaintiff,

v.

JON W. DUDAS, *et al.*,

Defendants.

CIVIL ACTION: 1:07-CV-846 (JCC/TRJ)

CONSOLIDATED WITH

SMITHKLINE BEECHAM
CORPORATION, *et al.*,

Plaintiffs,

v.

JON W. DUDAS, *et al.*,

Defendants.

CIVIL ACTION: 1:07-CV-1008 (JCC/TRJ)

CONSENT ORDER REGARDING SUMMARY JUDGMENT BRIEFING SCHEDULE

WHEREAS, counsel for Plaintiffs Triantafyllos Tafas (“Tafas”) and Plaintiffs SmithKline Beecham Corp., d/b/a GlaxoSmithKline, SmithKline Beecham PLC, and Glaxo Group Limited, d/b/a GlaxoSmithKline (“GSK”; collectively with Tafas, “Plaintiffs”) and counsel for Defendants Jon W. Dudas and the United States Patent and Trademark Office (“Defendants”; “Plaintiffs” and “Defendants” are collectively referred to as the “Parties”) have conferred and agreed upon a summary judgment briefing schedule to be entered as an

amendment to and/or in substitution for any and all briefing schedules previously entered into among any of the Parties; it is hereby

ORDERED:

1. Defendants shall answer the Plaintiffs' amended complaints in the normal course as required by Fed. R. Civ. P. 12(a).

2. The Parties shall conduct discovery, including conduct motion practice if the Parties reach an impasse as to the discovery sought, during the months of November and December 2007, and January 2008.

3. The Parties shall file their briefs in support of their motions for summary judgment on or before Friday, January 25, 2008. The Parties shall meet and confer to agree upon a page extension for the Court's approval.

4. Any and all *amicus curiae* who wish to file briefs in support of any of the Parties' motions for summary judgment shall file their motions for leave to file an *amicus* brief and their *amicus* briefs by Friday, February 1, 2008. Each *amicus curiae* brief shall not exceed twenty pages in length.

5. The Parties shall file their briefs in opposition to the motions for summary judgment on or before Monday, March 3, 2008. If they so choose, the Parties may respond to the *amicus curiae* briefs referenced in #4 above in their opposition briefs. The Parties shall meet and confer to agree upon a page extension for the Court's approval.

6. The Parties shall file their rebuttal briefs in support of their motions for summary judgment on or before Friday, March 21, 2008. The Parties shall meet and confer to agree upon a page extension for the Court's approval.

7. The Parties shall notice the hearing on their motions for summary judgment for Friday, April 11, 2008.

Dated: _____

Hon. James C. Cacheris
United States District Judge

WE AGREE TO THIS:

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SmithKline Beecham plc, and Glaxo Group
Limited d/b/a GlaxoSmithKline*

