

1 ERIK J. OLSON (CA SBN 175815)
EJOlson@mofo.com
2 ERIC C. PAI (CA SBN 247604)
EPai@mofo.com
3 MORRISON & FOERSTER LLP
755 Page Mill Road
4 Palo Alto, California 94304-1018
Telephone: (650) 813.5600
5 Facsimile: (650) 494.0792

6 Attorneys for Plaintiff
7 SANDOZ INC.

Vernon M. Winters (SBN 130128)
Sue Wang (SBN 286247)
SIDLEY AUSTIN LLP
555 California Street, Suite 2000
San Francisco, CA 94104-1503
Telephone: (415) 772-1200
Facsimile: (415) 772-7400
vwinters@sidley.com

Nicholas Groombridge (*pro hac vice*)
Eric A. Stone (*pro hac vice*)
Jennifer H. Wu (*pro hac vice*)
PAUL, WEISS, RIFKIND, WHARTON &
GARRISON LLP
1285 Avenue of the Americas
New York, NY 10019-6064
Telephone: (212) 373-3000
Facsimile: (212) 757-3990
ngroombridge@paulweiss.com

Wendy A. Whiteford (SBN 150283)
Lois M. Kwasigroch (SBN 130159)
AMGEN INC.
One Amgen Center Drive
Thousand Oaks, CA 91320-1789
Telephone: (805) 447-1000
Facsimile: (805) 447-1010
wendy@amgen.com

Attorneys for Defendants
AMGEN INC. and AMGEN
MANUFACTURING, LIMITED

18 UNITED STATES DISTRICT COURT
19 NORTHERN DISTRICT OF CALIFORNIA
20 SAN FRANCISCO DIVISION

22 SANDOZ INC.,
23 Plaintiff,
24 v.
25 AMGEN INC. and AMGEN
26 MANUFACTURING, LIMITED,
27 Defendants.

Case No. 3:19-cv-00977-RS

**AMENDED STIPULATION AND
ORDER STAYING DISCOVERY
AND DISCLOSURES**

1 Pursuant to Civil Local Rule 7-12, Plaintiff Sandoz Inc. (“Sandoz”) and Defendants
2 Amgen Inc. and Amgen Manufacturing, Limited (collectively, “Amgen”), through their
3 undersigned counsel, hereby stipulate as follows:

4 WHEREAS, Sandoz filed a Complaint for Declaratory Judgment of Patent
5 Noninfringement and Invalidity (ECF No. 1) with respect to Sandoz’s biosimilar filgrastim and
6 pegfilgrastim products on February 21, 2019;

7 WHEREAS, Amgen filed a Motion to Dismiss (ECF No. 22) on April 24, 2019;

8 WHEREAS, Sandoz intends to oppose the Motion to Dismiss;

9 WHEREAS, the parties agree that it would promote judicial economy and conserve the
10 resources of the Court and the parties to defer discovery and disclosures until after the Motion to
11 Dismiss is resolved;

12 NOW, THEREFORE, the parties hereby stipulate and request that the Court stay
13 discovery and disclosures as follows:

14 1. While the Motion to Dismiss is pending, all deadlines shall be stayed for: (a)
15 responding to discovery requests pursuant to Fed. R. Civ. P. 26 through 37; (b) initial disclosures
16 pursuant to Fed. R. Civ. P. 26(a)(1); and (c) contentions and disclosures pursuant to Patent Local
17 Rules 3-1 through 3-9.

18 2. If the Motion to Dismiss is denied, the parties shall promptly meet and confer on a
19 schedule for completing the stayed discovery and disclosures, with the deadlines for disclosures
20 and contentions beginning no later than 30 days after the ruling on the Motion to Dismiss. The
21 parties shall submit their proposed schedule to the Court within 10 days after the ruling on the
22 Motion to Dismiss.

23 Dated: May 1, 2019

MORRISON & FOERSTER LLP

24 By: /s/ Erik J. Olson
25 Erik J. Olson

26 Attorneys for Plaintiff
27 SANDOZ INC.
28

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

Dated: May 1, 2019

PAUL, WEISS, RIFKIND, WHARTON &
GARRISON LLP

By: /s/ Nicholas Groombridge
Nicholas Groombridge

Attorneys for Defendants
AMGEN INC. and AMGEN
MANUFACTURING, LIMITED

SIGNATURE ATTESTATION


Pursuant to Civil Local Rule 5-1(i)(3), I hereby certify that concurrence in the filing of
this document has been obtained from each of the other Signatories shown above.

Dated: May 1, 2019

By: /s/ Erik J. Olson
Erik J. Olson

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: May 3, 2019


THE HONORABLE RICHARD SEEBORG
UNITED STATES DISTRICT COURT JUDGE