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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

AMGEN INC. and  
AMGEN MANUFACTURING, LIMITED,

Plaintiffs,

vs.

SANDOZ INC., SANDOZ  
INTERNATIONAL GMBH, and  
SANDOZ GMBH,

Defendants.

Case No. 3:14-cv-04741-RS

~~[PROPOSED]~~  
**ORDER GRANTING JOINT MOTION  
TO LIFT STAY OF PATENT  
PROCEEDINGS**

1 Amgen brought this action, asserting claims of unfair competition and conversion under  
2 California state law and patent infringement; Sandoz counterclaimed. The Court dismissed  
3 Amgen's claims under California state law. Dkt. No. 105. The Court then granted Rule 54(b)  
4 judgment on the dismissed claims and stayed all remaining claims in this action, pending the  
5 Federal Circuit's resolution of Amgen's appeal. Dkt. No. 111. The circuit issued a panel  
6 opinion on July 21, 2015. *Amgen Inc. v. Sandoz Inc.*, No. 2015-1499, 2015 WL 4430108 (Fed.  
7 Cir. Jul. 21, 2015). The parties are each currently seeking *en banc* review of aspects of that  
8 opinion. The parties now jointly request that the Court lift the stay on the remaining claims.

9 Having considered the parties' joint motion to lift the stay of patent proceedings in this  
10 case, and good cause appearing therefore, the Court GRANTS the motion and ORDERS as  
11 follows:

- 12 • The stay on all remaining proceedings in this case (*see* Dkt. No. 111) is lifted.
- 13 • A case management conference is scheduled for October 1, 2015, at 10:00 AM.
- 14 • The deadline for Sandoz International GmbH and Sandoz GmbH to move,  
15 answer, or otherwise respond to the complaint for either entity remains tolled  
16 until twenty days after the entry of this Order. *See* Dkt. No. 111, at 3.
- 17 • The parties shall submit a case management statement by September 21, 2015,  
18 proposing a new schedule for this case, including new dates for the Invalidity  
19 Contentions and accompanying document production under Patent L.R. 3-3 and  
20 3-4. These deadlines and any other pending or previously-set deadlines under  
21 the Federal Rules of Civil Procedure, Civil Local Rules, Patent Local Rules, or  
22 any order of this Court, except for the deadline for Sandoz International GmbH  
23 and Sandoz GmbH to move, answer, or otherwise respond to the complaint, shall  
24 be tolled until new dates to be set by the Court in a further scheduling order.
- 25 • No discovery shall be served and no motions shall be filed (except for any  
26 motion on behalf of Sandoz International GmbH or Sandoz GmbH in response to  
27 the complaint) until after the case management conference. Each party shall

1 describe in the case management statement its plans for discovery and any  
2 motions it intends to bring at the initial stages of the case.

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4 **IT IS SO ORDERED.**

5 Date: September 8, 2015

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7 HONORABLE RICHARD SEEBORG  
8 UNITED STATES DISTRICT JUDGE  
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