IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

BONE CARE INTERNATIONAL LLC and **GENZYME CORPORATION,** *Plaintiffs,* v. **PENTECH PHARMACEUTICALS, INC.,** *Defendant.*	No. 08-cv-1083 The Honorable Robert M. Dow, Jr., Judge Presiding Magistrate Judge Martin C. Ashman

JOINT MOTION FOR A SHORT BRIEFING SCHEDULE TO ADDRESS A SINGLE DISPUTED ISSUE IN THE PARTIES' PROPOSED STIPULATED PROTECTIVE ORDER AND EXTENSION OF FILING DATE

Plaintiffs Bone Care International LLC and Genzyme Corporation, and Defendant Pentech Pharmaceuticals, Inc., by and through their respective undersigned counsel, hereby submit this joint motion for a short briefing schedule to address a single disputed issue that the parties have been unable to resolve, after good faith negotiations, in connection with the preparation of a stipulated protective order to present to the Court. The parties further request an extension of the date by which the parties are to file a joint motion for a stipulated protective order. In support of their joint motion, the parties state as follows:

1. Plaintiffs filed their complaint alleging patent infringement on February 21, 2008.

2. At the initial status hearing on April 23, 2008, the Court set May 9, 2008 as the date by which the parties were to file a joint motion for a stipulated protective order. On May 12, 2008, the Court granted the parties' joint motion to extend the date for filing a joint motion for a stipulated protective order to May 23, 2008.

3. The parties have been working diligently to prepare a joint stipulated protective order to submit to the Court, and are largely agreed with respect to the terms of the proposed protective order. The parties, however, dispute one issue, which they are unable to resolve after

good faith negotiations: the designation of the Chemistry and Manufacturing Section of defendant's Abbreviated New Drug Application and sections of plaintiffs' New Drug Application of equivalent sensitivity, and documents related to each. A copy of the parties' agreed proposed protective order is attached hereto as Exhibit A, with the disputed provision highlighted in bolded text for the Court (at pp. 3-4).

4. The parties respectfully request the Court's assistance in resolving this dispute, and propose the following briefing schedule, limited to this single issue:

June 3, 2008 – parties file a brief (limited to 5 pages) in support of their respective positions

June 10, 2008 – parties file response briefs (limited to 5 pages)

5. The parties further request that the Court extend the date by which the parties must file a joint motion for a proposed stipulated protective order until such time as the Court rules on the disputed issue stated above.

WHEREFORE, the parties jointly request that the Court grant their Joint Motion for a Short Briefing Schedule to Address a Single Disputed Issue in the Parties' Proposed Stipulated Protective Order and Extension of Filing Date.

Dated: May 23, 2008

Respectfully submitted,

/s/ Jennifer Yule DePriest

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CERTIFICATE OF SERVICE

I hereby certify that on May 23, 2008, I electronically filed **Joint Motion For A Short Briefing Schedule To Address A Single Disputed Issue In The Parties' Proposed Stipulated Protective Order And Extension Of Filing Date** with the Clerk of the Court using the ECF system, which will send notification of such filing to the following:

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