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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

GENENTECH, INC. and BIOGEN IDEC
INC.,)

Plaintiffs,)

v.)

SANOFI-AVENTIS DEUTSCHLAND
GMBH, SANOFI-AVENTIS U.S. LLC, and)
SANOFI-AVENTIS U.S. INC.,)

Defendants.)

Case No.: 3:08-04909 SI (BZ)

**JOINT STIPULATION AND
[PROPOSED] ORDER ON
ALIGNMENT OF THE PARTIES**

SANOFI-AVENTIS DEUTSCHLAND
GMBH,)

Counterplaintiff,)

v.)

GENENTECH, INC. and BIOGEN IDEC
INC.,)

Counterdefendants.)

SANOFI-AVENTIS DEUTSCHLAND
GMBH,)

Plaintiff,)

v.)

GENENTECH, INC. and BIOGEN IDEC
INC.,)

Defendants.)

Case No. 3:09-04919 SI

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Attorneys for Defendant Sanofi-Aventis
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STIPULATION

Pursuant to Local Rule 7-12, Genentech, Inc. (“Genentech”); Biogen Idec Inc. (“Biogen”); and Sanofi-Aventis Deutschland GmbH (“Sanofi”) stipulate as follows:

WHEREAS in Case No. 3:08-cv-04909 SI (BZ), Genentech and Biogen are the plaintiffs asserting declaratory judgment claims of patent invalidity and non-infringement and Sanofi is the sole remaining defendant, asserting claims of patent infringement;

WHEREAS in Case No. Case No. 3:09-04919 SI (originally *Sanofi-Aventis Deutschland GmbH v. Genentech, Inc. and Biogen Idec Inc.*, Civil Action No. 9:08-CV-203 in the U.S. District Court for the Eastern District of Texas), Sanofi is the plaintiff asserting claims of patent infringement against Genentech and Biogen;

WHEREAS this Court may exercise its discretion to align parties as plaintiff and defendant, *see, e.g., Plumtree Software, Inc. v. Datamize, LLC*, No. C02-5693, 2003 WL 25841157, at *3 (N.D. Cal. 2003) (Walker, J.); and

WHEREAS the parties have further agreed that Sanofi, being the patent-holder, shall proceed as the Plaintiff in this action and Genentech and Biogen shall proceed as the Defendants;

Genentech, Biogen, and Sanofi respectfully request that the Court enter the following stipulation and proposed order regarding alignment of the parties. The parties AGREE and STIPULATE, from this point onward:

1. Sanofi should be designated as Plaintiff; and
2. Genentech and Biogen should be designated as Defendants.

So stipulated.

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Respectfully submitted,

DATED: December 10, 2009

QUINN EMANUEL URQUHART OLIVER &
HEDGES, LLP

By _____ /s/
Victoria F. Maroulis
Attorneys for Genentech, Inc.

DATED: December 10, 2009

FOLEY HOAG LLP

By _____ /s/
Claire Laporte
Attorneys for Biogen Idec Inc.

DATED: December 10, 2009

MCDONNELL BOEHNEN HULBERT &
BERGHOFF LLP

By _____ /s/
Joshua R. Rich
Attorneys for Sanofi-Aventis Deutschland GmbH

I, Raffi V. Zerounian, am the ECF User whose identification and password are being used to file this document. Pursuant to General Order 45.X.B, I hereby attest that the above counsel have concurred in this filing.

DATED: December 11, 2009

HARVEY SISKIND LLP

By _____ /s/
Raffi V. Zerounian
Attorneys for Sanofi-Aventis Deutschland GmbH

[PROPOSED] ORDER

Pursuant to the stipulation of the parties and with good cause appearing, the Court ORDERS
that:

From this point onward:

1. Sanofi-Aventis Deutschland GmbH shall be designated as Plaintiff;
2. Genentech, Inc. and Biogen Idec Inc. shall be designated as Defendants.

All pleadings filed in this case shall reflect this alignment.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated:



The Honorable Susan Illston
UNITED STATES DISTRICT JUDGE