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See signature page for complete list of counsel.

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

22 SANOFI-AVENTIS DEUTSCHLAND  
 GMBH,  
 23  
 Plaintiff,  
 24  
 vs.  
 25 GENENTECH, INC. and BIOGEN IDEC  
 26 INC.,  
 27 Defendants.

CASE NO. 3:08-cv-04909-SI (BZ)  
 3:09-cv-04919-SI

STIPULATION AND [PROPOSED] ORDER  
 TO ADJOURN HEARING AND EXTEND  
 SCHEDULE FOR BRIEFING OF SANOFI'S  
 MOTION FOR LEAVE TO AMEND ITS  
 PLEADINGS AND INFRINGEMENT  
 CONTENTIONS

**STIPULATION**

1  
2 Plaintiff Sanofi-Aventis Deutschland GmbH (“Sanofi”) and Defendants Genentech, Inc.  
3 and Biogen Idec Inc. (“Defendants”), pursuant to Civil Local Rules 6-1 and 6-2, respectfully  
4 request that the Court enter the following stipulation and proposed order regarding Sanofi’s  
5 Motion for Leave To Amend Its Pleadings and Infringement Contentions. The parties now  
6 AGREE and STIPULATE as follows:

7 a. The time for Defendants to respond to Sanofi’s Motion for Leave To Amend Its  
8 Pleadings and Infringement Contentions will be extended from December 31, 2009 to January 29,  
9 2010;

10 b. The time for Sanofi to reply in support of its Motion for Leave To Amend Its  
11 Pleadings and Infringement Contentions will be extended from January 8, 2010 to February 5,  
12 2010; and

13 c. The hearing on Sanofi’s Motion for Leave To Amend Its Pleadings and  
14 Infringement Contentions will be adjourned for twenty-eight days, until February 19, 2010 at 9:00  
15 a.m., or as soon thereafter as may be heard.

16 1. Reason for Extension of Time

17 Sanofi brought its Motion for Leave To Amend Its Pleadings and Infringement  
18 Contentions on December 18, 2009. (D.N. 148-1.) As currently scheduled, Defendants’  
19 opposition is due on December 31, New Year’s Eve. Genentech will be closed from December 24  
20 and will only reopen on January 4. Shortly thereafter, Defendants’ counsel will be preparing for  
21 and taking the depositions of the inventors of the patents-in-suit in Munich, Germany. Defendants  
22 therefore requests a four-week extension to provide them adequate time in which to respond to the  
23 motion.

24 2. Prior Time Modifications

25 The time for Sanofi to answer or otherwise respond to the Complaint was previously  
26 extended. The briefing and hearing schedule for Motions to Dismiss for Lack of Jurisdiction  
27 brought by Sanofi and its former co-defendants was temporarily vacated. The briefing and

1 hearing schedule for Genentech’s Motion To Disqualify McDonnell Boehnen Hulbert and  
2 Berghoff LLP was extended by four weeks.

3 3. Effect of Modification

4 The requested extension will have no effect on the rest of the schedule in this action.  
5 So stipulated.

6  
7 DATED: December 22, 2009

QUINN EMANUEL URQUHART OLIVER &  
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9 By /s/Victoria F. Maroulis

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19 Attorneys for Defendant Genentech, Inc.  
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1 DATED: December 22, 2009

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By /s/Jeremy A. Younkin

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1 DATED: December 22, 2009

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By /s/Joshua R. Rich

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I, Victoria F. Maroulis, 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 counsel for Genentech has concurred in this filing.

DATED: December 22, 2009

QUINN EMANUEL URQUHART OLIVER &  
HEDGES, LLP

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

**[PROPOSED] ORDER**

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

ORDERS that:

a. The time for Defendants to respond to Sanofi’s Motion for Leave To Amend Its Pleadings and Infringement Contentions will be extended from December 31, 2009 to January 29, 2010;

b. The time for Sanofi to reply in support of its Motion for Leave To Amend Its Pleadings and Infringement Contentions will be extended from January 8, 2010 to February 5, 2010; and

c. The hearing on Sanofi’s Motion for Leave To Amend Its Pleadings and Infringement Contentions will be adjourned for twenty-eight days, until February 19<sup>26</sup>, 2010 at 9:00 a.m., or as soon thereafter as may be heard.

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

December \_\_, 2009

\_\_\_\_\_  
The Honorable Susan Illston  
UNITED STATES DISTRICT JUDGE