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UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

SANOFI-AVENTIS DEUTSCHLAND  
GMBH,  
  
Plaintiff and Counterclaim-  
Defendant,  
  
v.  
  
GENENTECH, INC. AND BIOGEN IDEC  
INC.,  
  
Defendants and  
Counterclaimants.

CASE NOS. 08-cv-4909-SI (BZ)  
09-cv-4919-SI

~~[PROPOSED]~~ ORDER GRANTING  
SANOFI'S ADMINISTRATIVE MOTION  
TO FILE DOCUMENTS UNDER SEAL

1 ~~PROPOSED~~ ORDER

2 Plaintiff Sanofi-Aventis Deutschland GmbH (“Sanofi”) has filed Sanofi’s Administrative  
3 Motion to File Documents Under Seal (“Administrative Motion”). The Administrative Motion  
4 requests that portions of Sanofi’s Motion to Compel Production of Avastin® Samples (“Motion to  
5 Compel”) and Exhibits J, M, and O attached to the Declaration of Joshua A. Davis in Support of  
6 the Motion to Compel (“Davis Declaration”), be filed under seal because they contain information  
7 designated by Genentech, Inc. (“Genentech”) as “Highly Confidential – Attorneys’ Eyes Only”  
8 under the Protective Order in this action or “Restricted Information” under the Confidentiality  
9 Agreement in force in the parallel arbitration, ICC Case No. 15900/JHN, Hoechst GmbH  
10 (Germany) v. Genentech, Inc. (U.S.A.).

11 Sanofi has filed the declaration required under Local Rule 79-5 to provide evidence of  
12 good cause for this Court to permit filing under seal. That declaration establishes that Genentech  
13 has designated the information in the above documents as confidential under the Protective Order  
14 in this action and under the Confidentiality Agreement in force in the parallel ICC arbitration.

15 Defendant Genentech thereafter filed the declaration required by Local Rule 79-5(d). That  
16 declaration establishes that the below documents and information contained in Sanofi’s Motion to  
17 Compel are confidential to Genentech and therefore sealable.

18 Accordingly, for good cause shown, the Court ORDERS that the following documents  
19 shall be filed under seal:

- 20
- 21 • Exhibit J to the Davis Declaration, which consists of excerpts from Respondent  
22 Genentech’s Statement of Rejoinder, filed in the parallel arbitration, ICC Case No.  
23 15900/JHN, Hoechst GmbH (Germany) v. Genentech, Inc. (U.S.A.)
  - 24 • Exhibit M to the Davis Declaration, which consists of excerpts from the transcript  
25 of the August 18, 2010 deposition of Lynne A. Krummen in this matter (designated  
26 “Highly Confidential – Attorneys’ Eyes Only”).
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- Exhibit O to the Davis Declaration, which consists of excerpts of the transcript of the August 18, 2010 deposition of Amy Shen in this matter (designated “Highly Confidential – Attorneys’ Eyes Only”).
- The non-redacted version of Sanofi’s Motion to Compel, which references confidential Genentech information contained in the above Exhibits at Page 3, lines 21-26; Page 7, line 1-3; and Page 8, lines 16-22.

**IT IS SO ORDERED.**

Dated: September 16, 2010

  
\_\_\_\_\_  
The Honorable ~~Susan Illston~~ Bernard Zimmerman  
United States ~~District Court~~ Judge  
Magistrate