

1 Counsel Listed on Following Page

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SANOFI-AVENTIS DEUTSCHLAND
GMBH,

Plaintiff,

vs.

GENENTECH, INC. and BIOGEN IDEC
INC.,

Defendants.

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

STIPULATION AND ~~[PROPOSED]~~ ORDER
ENLARGING TIME ON PROCEEDINGS
ON COSTS, ATTORNEYS' FEES, AND
SANCTIONS

[Civil L.R. 6-1, 6-2]

Honorable Susan Illston
United States District Judge

1 QUINN EMANUEL URQUHART &
2 SULLIVAN, LLP

3 Charles K. Verhoeven (Bar No. 170151)
4 charlesverhoeven@quinnemanuel.com
5 50 California Street, 22nd Floor
6 San Francisco, California 94111
7 Telephone: (415) 875-6600
8 Facsimile: (415) 875-6700

9 Victoria F. Maroulis (Bar No. 202603)
10 victoriamaroulis@quinnemanuel.com
11 Gabriel S. Gross (Bar No. 254672)
12 gabegross@quinnemanuel.com
13 555 Twin Dolphin Drive, 5th Floor
14 Redwood Shores, California 94065-2139
15 Telephone: (650) 801-5000
16 Facsimile: (650) 801-5100

17 Attorneys for Defendant Genentech, Inc.

18 KILPATRICK TOWNSEND & STOCKTON
19 LLP

20 James G. Gilliland (Bar No. 107988)
21 jgilliland@kilpatricktownsend.com
22 Two Embarcadero Center, Eighth Floor
23 San Francisco, CA 94111
24 Telephone: (415) 576-0200
25 Facsimile: (415) 576-0300

26 Anne M. Rogaski (Bar No. 184754)
27 arogaski@kilpatricktownsend.com
28 379 Lytton Avenue
Palo Alto, CA 94301
Telephone: (650) 326-2400
Facsimile: (650) 326-2422

FOLEY HOAG LLP

Donald R. Ware (*pro hac vice*)
dware@foleyhoag.com
Claire Laporte (*pro hac vice*)
claporte@foleyhoag.com
Jeremy A. Younkin (*pro hac vice*)
jyounkin@foleyhoag.com
Seaport World Trade Center West
155 Seaport Boulevard
Boston, MA 02210-2600
Telephone: (617) 832-1180
Facsimile: (617) 832-7000

Attorneys for Defendant Biogen Idec Inc.

HARVEY SISKIND LLP

D. Peter Harvey (Bar No. 55712)
pharvey@harveysiskind.com
Naomi Jane Gray (Bar No. 230171)
ngray@harveysiskind.com
Four Embarcadero Center, 39th Floor
San Francisco, California 94111
Telephone: (415) 354-0100
Facsimile: (415) 391-7124

FITZPATRICK, CELLA, HARPER &
SCINTO

William E. Solander (*admitted pro hac vice*)
wsolander@fchs.com
Dominick A. Conde (*admitted pro hac vice*)
dconde@fchs.com
Peter D. Shapiro (*admitted pro hac vice*)
pshapiro@fchs.com
Joshua A. Davis (*admitted pro hac vice*)
jdavis@fchs.com
1290 Avenue of the Americas
New York, New York 10104
Telephone: 212-218-2100
Facsimile: 212-218-2200

Attorneys for Plaintiff Sanofi-Aventis
Deutschland GmbH

1 Pursuant to Civil Local Rules 6-1 and 6-2, Plaintiff Sanofi-Aventis Deutschland GmbH
2 ("Sanofi") and Defendants Genentech, Inc. ("Genentech") and Biogen Idec Inc. ("Biogen")
3 respectfully request that the Court enter the following stipulation regarding proceedings on costs,
4 attorneys' fees, and sanctions. The parties now AGREE AND STIPULATE to enlarge time on these
5 proceedings until after disposition of both Sanofi's appeal of this Court's final judgment of non-
6 infringement and Defendants' counterclaims of invalidity and unenforceability.

7 1. Reason for the Request

8 On April 21, 2011, the Court granted Sanofi's motion for entry of final judgment of non-
9 infringement as to Rituxan® and Avastin® under Federal Rule of Civil Procedure 54(b). (D.N.
10 621.) The Court stayed further proceedings, including Defendants' counterclaims of invalidity and
11 unenforceability, pending the outcome of any appeal of the Court's final judgment of non-
12 infringement. (Id.) Under Civil Local Rule 54-1, Defendants must file a bill of costs within 14 days
13 of the Court's entry of final judgment, or by May 5, 2011. Under Civil Local Rule 54-5, motions for
14 awards of attorneys' fees are also due within 14 days of entry of judgment. Under Civil Local Rule
15 7-8(d), motions for sanctions also must be filed within 14 days of entry of judgment. The parties
16 now seek to stay these proceedings on costs and fees, as well as any proceedings on sanctions under
17 Fed. R. Civ. P. 11 and Civil Local Rule 7-8(d) and on whether this is an "exceptional case" under 35
18 U.S.C. § 285, until after disposition of Sanofi's appeal of this Court's final judgment of non-
19 infringement and Defendants' counterclaims of invalidity and unenforceability. An order staying
20 these proceedings will conserve judicial resources in the event that any aspect of the Court's Rule
21 54(b) judgment is reversed and remanded on appeal and because further proceedings on Defendants'
22 pending counterclaims are required.

23 2. Prior Time Modifications

24 The time for Sanofi to answer or otherwise respond to the Complaint was previously
25 extended. The briefing and hearing schedule for Motions to Dismiss for Lack of Jurisdiction
26 brought by Sanofi and its former co-defendants was temporarily vacated. The briefing and hearing
27 schedule for Genentech's Motion To Disqualify McDonnell Boehnen Hulbert and Berghoff LLP was
28 extended by four weeks. The briefing and hearing schedule for Sanofi's Motion for Leave to

1 Amend Its Pleadings and Infringement Contentions was previously extended by five weeks and then
2 extended again by seven weeks. The Markman hearing and tutorial were previously continued by
3 45 days. The date for Sanofi's oppositions to Defendants' motions for summary judgment was
4 extended by approximately three weeks. The date for Defendants' replies to Sanofi's summary
5 judgment oppositions was extended by one week. The deadline to conduct ADR was originally
6 extended by about 40 days. The deadline for conducting ADR was again extended by two months.
7 The schedule for the Further Case Management Conference was previously vacated and rescheduled
8 for five weeks later and then extended again by two weeks. The hearing schedule for the Motion for
9 Summary Judgment, Motion for Summary Judgment of Invalidity for Lack of Written Description,
10 Motion to Compel, Motion to Amend/Correct Infringement Contentions, and Motion to Strike was
11 extended by two weeks. The deadline for filing dispositive motions was extended three weeks and
12 the deadline for the last day on which dispositive motions could be heard was extended four weeks.
13 The Court expedited the schedule for considering Sanofi's Motion for Entry of Final Judgment by
14 two weeks.

15 3. Effect of Requested Modification

16 The requested modification will have no effect on the rest of the schedule in this action.

17 So Stipulated.

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DATED: April 29, 2011

HARVEY SISKIND LLP
FITZPATRICK, CELLA, HARPER & SCINTO

By s/ William E. Solander
William E. Solander
Attorneys for Plaintiff Sanofi-Aventis
Deutschland GmbH

DATED: April 29, 2011

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

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

DATED: April 29, 2011

TOWNSEND TOWNSEND AND CREW LLP
FOLEY HOAG LLP

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

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: May 2, 2010



Susan Illston
United States District Court Judge

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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 Plaintiff has concurred in this filing.

DATED: April 29, 2011

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

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