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10 Attorneys for Plaintiff,
 11 NuGEN Technologies, Inc.

12 **UNITED STATES DISTRICT COURT**
 13 **NORTHERN DISTRICT OF CALIFORNIA**

14
 15 NUGEN TECHNOLOGIES, INC.,

16 Plaintiff

17 vs.

18 KEYGENE N.V. and
 19 KEYGENE, INC.,

20 Defendants.

CASE NO.: 3:18-CV-00525-JST

JOINT STIPULATION AND
~~PROPOSED~~ ORDER
PERMITTING ELECTRONIC
SERVICE OF PROCESS ON
DEFENDANT KEYGENE N.V.

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1 Pursuant to Local Rule 7-12, Plaintiff NuGEN Technologies, Inc.
2 (“NuGEN”) and Defendant KeyGene N.V. (“KeyGene”), through their counsel,
3 submit the following Joint Stipulation and [Proposed] Order Permitting Service by
4 Electronic Mail:

5 WHEREAS, NuGEN commenced the above-captioned action on January 24,
6 2018 [ECF No. 1];

7 WHEREAS, KeyGene is a Netherlands company with a principal place of
8 business at Agro Business Park 90, 6708 PW 15 Wageningen, The Netherlands
9 [ECF No. 24, at 1];

10 WHEREAS, on March 7, 2018, NuGEN filed an Ex Parte *Application for*
11 *Leave to Effect Electronic Service on Defendant Resident Outside the United States*
12 [ECF No. 22];

13 WHEREAS, on March 17, 2018, KeyGene filed a *Statement of Partial*
14 *Opposition to NuGEN Technologies, Inc.’s Ex Parte Application for Leave to Effect*
15 *Electronic Service* [ECF No. 24];

16 NOW, THEREFORE, in consideration of the foregoing and in the interest of
17 judicial economy, NuGEN and KeyGene stipulate, subject to the approval of the
18 Court that solely for this action, Plaintiff NuGEN Technologies, Inc. (“NuGEN”)
19 may effect service of process on Defendant KeyGene N.V. (“KeyGene”) by serving
20 a copy of the Complaint and Summons in this action via electronic mail directed to
21 KeyGene’s Chief Executive Officer, Arjen van Tunen, at the e-mail address
22 arjen.van-tunen@keygene.com. After this stipulation is entered by the Court,
23 Keygene N.V.’s time to answer, move, or otherwise respond to the Complaint in

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1 this action shall be 21 days from the date such service of process is effectuated.

2 **IT IS SO STIPULATED.**

3 Dated: March 26, 2018

Respectfully submitted,

4 **BROWN RUDNICK LLP**

5 By: /s/ Leo J. Presiado

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25 **FOLEY & LARDNER LLP**

26 By: /s/ Kimberly K. Dodd

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Attorneys for Defendant Keygene N.V.

1 **FILER'S ATTESTATION**

2 Pursuant to Local Rule 5-1(i)(3), I, Leo J. Presiado, attest that concurrence in
3 filing this document has been obtained from the other signatories.

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

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7 Date: March 26, 2018

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10 HONORABLE JON S. TIGAR
11 UNITED STATES DISTRICT JUDGE
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