1 2 3 4 5 6 7 8 9 10 11 12 13	M. PATRICIA THAYER (SBN 90818) pthayer@sidley.com AARON R. BLEHARSKI (SBN 240703) ableharski@sidley.com SIDLEY AUSTIN LLP 555 California Street San Francisco, California 94104 Telephone: (415) 772-1200 Facsimile: (415) 772-7400 SANDRA S. FUJIYAMA (SBN 198125) sfujiyama@sidley.com SAMUEL N. TIU (SBN 216291) stiu@sidley.com TASHICA T. WILLIAMS (SBN 256449) ttwilliams@sidley.com SIDLEY AUSTIN LLP 555 West Fifth Street, Suite 4000 Los Angeles, California 90013 Telephone: (213) 896-6000 Facsimile: (213) 896-6600 Attorneys for Plaintiff GENENTECH, INC.	ROBERT A. VAN NEST (SBN 84065) rvannest@kvn.com ASHOK RAMANI (SBN 200020) aramani@kvn.com NIKKI K. VO (SBN 239543) nvo@kvn.com SARAH B. FAULKNER (SBN 263857) sfaulkner@kvn.com KEKER & VAN NEST LLP 710 Sansome Street San Francisco, CA 94111-1704 Telephone: (415) 391-5400 Facsimile: (415) 397-7188		
14	UNITED STATES DISTRICT COURT			
15	NORTHERN DISTRICT OF CALIFORNIA			
16	SAN JOSE DIVISION			
17	CENTRAL DIG			
18	GENENTECH, INC.,) Case No: 5:10-CV-2037-LHK (PSG)		
19	Plaintiff,	 SIXTH JOINT STIPULATION AND [PROPOSED] ORDER TO EXTEND THE 		
20	vs.	 DEADLINE FOR GENENTECH TO FILE OBJECTIONS TO THE COURT'S 		
21	THE TRUSTEES OF THE UNIVERSITY OF PENNSYLVANIA, a Pennsylvania non-profit) NOVEMBER 22 ORDER		
22	corporation,	 Hearing Date: TBD Time: TBD 		
23	Defendant.) Judge: Hon. Lucy H. Koh		
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		DBJECT TO THE COURT'S NOV. 22 ORDER CV-2037-LHK (PSG)		
		Dockets.Justia.c		

1	WHEREAS on February 1, 2011, plaintiff Genentech, Inc. ("Genentech") and defendant the			
2	Trustees of the University of Pennsylvania ("the University") filed a Fifth Joint Stipulation and			
3	Proposed Order to Extend the Deadline for Genentech to File Objections to the Court's November			
4	22 Order (Dkt. No. 86) to February 15, 2011; and			
5	WHEREAS the parties wanted the deadline extension to discuss whether there is a way to			
6	limit Genentech's production of regulatory materials, other than the BLA Submissions (as that term			
7	is used in the Court's November 22 Order), to avoid the production of irrelevant materials; and			
8	WHEREAS, the parties are continuing to address the proper scope for production of the			
9	regulatory materials and believe that an additional extension would benefit their discussion; and			
10	WHEREAS, the parties are continuing to arrange an appropriate manner in which to proceed			
11	with the production; and			
12	WHEREAS, if the parties are unable to reach agreement, Genentech may wish to file			
13	objections to the Court's Order;			
14	THE PARTIES THEREFORE AGREE as follows:			
15	1. The deadline for Genentech to object with respect to the following sentence in the			
16	Court's November 22, 2010 Order, now set for February 15, 2011, is extended to			
17	March 1, 2011:			
18	In addition, to the extent there is responsive electronic data other than the BLA Submissions in Defendant's possession, custody or control			
19	that is responsive to Document Request No. 36, Plaintiff shall either produce the unredacted data to Defendant by November 30, 2010, or			
20	else file a declaration by that date showing why it cannot do so and setting forth the earliest possible date that it will be able to do so.			
21	2. No other provision of the Court's November 22, 2010 Order is changed.			
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28	SIXTH JOINT STIP. RE DEADLINE TO OBJECT TO THE COURT'S NOV. 22 ORDER			
	CASE NO. 5:10-CV-2037-LHK (PSG)			

1	1 SO STIPULATED:			
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3	3	Respectfully submitted,		
4	4 Dated: February 15, 2011	SIDLEY AUSTIN LLP		
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6	6			
7		By: /s/ M. PATRICIA THAYER		
8		Attorneys for Plaintiff GENENTECH, INC.		
9		IRELL & MANELLA LLP		
10		IKELL & MANELLA LLP		
11 12				
12		By: /s/ GARY N. FRISCHLING ¹		
14		Attorneys for Defendants THE TRUSTEES OF THE UNIVERSITY OF PENNSYLVANIA		
15	5	THE UNIVERSITY OF PENNSYLVANIA		
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26	$\frac{1}{1}$ Durguent to Concern Order $45(X)$ the filer of this do	cument hereby attests that concurrence in the filing of the		
27 28	document has been obtained from Gary N. Frischling.			
20	SIXTH JOINT STIP. RE DEADLINE	SIXTH JOINT STIP. RE DEADLINE TO OBJECT TO THE COURT'S NOV. 22 ORDER		
	CASE NO. 5:10-CV-2037-LHK (PSG)			

1	PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that:			
2	1. The deadline for Genentech to object with respect to the following sentence in the			
3	Court's November 22, 2010 Order, now set for February 15, 2011, is extended to			
4	March 1, 2011:			
5	In addition, to the extent there is responsive electronic data other than the BLA Submissions in Defendant's possession, custody or control			
6	that is responsive to Document Request No. 36, Plaintiff shall either produce the unredacted data to Defendant by November 30, 2010, or			
7	else file a declaration by that date showing why it cannot do so and			
8	 setting forth the earliest possible date that it will be able to do so. No other provision of the Court's November 22, 2010 Order is changed. 			
9				
10	SO ORDERED.			
11	SU ORDERED.			
12	Dated:February 25 _, 2011			
13	LUCY H. KOf United State District Judge			
14	Onited States Pistiet Judge			
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-	[PROPOSED] ORDER RE JOINT STIPULATION			
	CASE NO. 5:10-CV-2037-LHK (PSG)			