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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

GENENTECH, INC.,

Plaintiff,

vs.

THE TRUSTEES OF THE UNIVERSITY OF
PENNSYLVANIA, a Pennsylvania non-profit
corporation,

Defendant.

) Case No: 5:10-CV-2037-LHK (PSG)
)
) **SIXTH JOINT STIPULATION AND**
) **[PROPOSED] ORDER TO EXTEND THE**
) **DEADLINE FOR GENENTECH TO FILE**
) **OBJECTIONS TO THE COURT'S**
) **NOVEMBER 22 ORDER**
) **Hearing Date: TBD**
) **Time: TBD**
) **Judge: Hon. Lucy H. Koh**
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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
19 the BLA Submissions in Defendant’s possession, custody or control
20 that is responsive to Document Request No. 36, Plaintiff shall either
21 produce the unredacted data to Defendant by November 30, 2010, or
22 else file a declaration by that date showing why it cannot do so and
23 setting forth the earliest possible date that it will be able to do so.

- 24 2. No other provision of the Court's November 22, 2010 Order is changed.
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PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that:

1. The deadline for Genentech to object with respect to the following sentence in the Court's November 22, 2010 Order, now set for February 15, 2011, is extended to March 1, 2011:

In addition, to the extent there is responsive electronic data other than the BLA Submissions in Defendant's possession, custody or control that is responsive to Document Request No. 36, Plaintiff shall either produce the unredacted data to Defendant by November 30, 2010, or 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.

2. No other provision of the Court's November 22, 2010 Order is changed.

SO ORDERED.

Dated: ___ February 25 __, 2011



LUCY H. KOH
United States District Judge