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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)  
)  
) **FINAL JOINT STIPULATION AND**  
) **ORDER REGARDING (A)**  
) **COMPLIANCE WITH A PORTION OF**  
) **THE COURT'S NOVEMBER 22 ORDER**  
) **AND (B) TO MOVE TO RECONSIDER**  
) **THE COURT'S ORDER**  
)  
) **Hearing Date: TBD**  
) **Time: TBD**  
) **Judge: Hon. Magistrate Paul S. Grewal**  
)  
)  
)

1           WHEREAS on March 1, 2011, plaintiff Genentech, Inc. (“Genentech”) and defendant the  
2 Trustees of the University of Pennsylvania (“the University”) filed a Seventh 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. 113) to March 8, 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 have reached a final resolution concerning these regulatory  
9 materials;

10          THE PARTIES THEREFORE AGREE as follows:

- 11          1.       Genentech will make a rolling production of the materials listed in the regulatory  
12                   index provided to counsel for the University of Pennsylvania on December 15, 2010,  
13                   with the production to be completed by March 31, 2011.
- 14          2.       Genentech will produce the records on a hard drive for inspection, with a proper  
15                   designation under the Protective Order in this action. Genentech will not OCR or  
16                   Bates label individual documents. The records will be organized and archived in a  
17                   manner that will permit counsel for the University of Pennsylvania to identify and  
18                   retrieve the materials listed in the December 15, 2010 index.
- 19          3.       If, after inspection, the University of Pennsylvania determines that it desires to use  
20                   any of the records in this litigation, counsel will identify such records to counsel for  
21                   Genentech, who will ensure that they are Bates labeled and promptly will produce  
22                   them to the University of Pennsylvania in Bates labeled form. No records may be  
23                   used as evidence by the University of Pennsylvania until they are identified to  
24                   counsel and receive a Bates label. The University of Pennsylvania, further, will  
25                   reimburse Genentech for one-half of the actual reasonable cost of having its vendor  
26                   process all records that must be processed according to this paragraph.



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SO ORDERED.

Dated: March 9, 2011

  
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PAUL S. GREWAL  
United States Magistrate Judge