Genentech, Inc. v. Trustees of the University of Pennsylvania Doc. 199

United States District Court
For the Northern District of California

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

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| GENENTECH, INC.,<br><br>Plaintiff,<br>v.<br><br>THE TRUSTEES OF THE UNIVERSITY OF PENNSYLVANIA, a Pennsylvania non-profit corporation,<br><br>Defendant. | Case No.: 10-CV-02037-LHK<br><br>ORDER REQUESTING REFERENCE |

At the claim construction hearing on April 4, 2011, both parties referred to the Lodato reference (Lodato, R.F., et al., *Immunohistochemical Evaluation of c-er B-2 Oncogene Expression in Ductal Carcinoma in Situ and Atypical Ductal Hyperplasia of the Breast*," 3(4) Modern Pathology 449 (1990). This reference is cited on the face of U.S. Patent No. 6,733,752. The Court has been unable to locate a copy of this reference in the claim construction materials submitted. The Court requests that the parties indicate where this reference may be found in the record before the Court, or submit a copy of the reference, by no later than 10 a.m. tomorrow, May 6, 2011. A response by either party will suffice.

**IT IS SO ORDERED.**

Dated: May 5, 2011

LUCY H. KOH
United States District Judge



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