

1 M. PATRICIA THAYER (SBN 90818)  
 pthayer@sidley.com  
 2 AARON R. BLEHARSKI (SBN 240703)  
 ableharski@sidley.com  
 3 SIDLEY AUSTIN LLP  
 555 California Street  
 4 San Francisco, California 94104  
 Telephone: (415) 772-1200  
 5 Facsimile: (415) 772-7400

6 SANDRA S. FUJIYAMA (SBN 198125)  
 sfujiyama@sidley.com  
 7 SAMUEL N. TIU (SBN 216291)  
 stiu@sidley.com  
 8 TASHICA T. WILLIAMS (SBN 256449)  
 ttwilliams@sidley.com  
 9 SIDLEY AUSTIN LLP  
 555 West Fifth Street, Suite 4000  
 10 Los Angeles, California 90013  
 Telephone: (213) 896-6000  
 11 Facsimile: (213) 896-6600

12 ROBERT A. VAN NEST (SBN 84065)  
 rvannest@kvn.com  
 13 ASHOK RAMANI (SBN 200020)  
 aramani@kvn.com  
 14 NIKKI K. VO (SBN 239543)  
 nvo@kvn.com  
 15 SARA B. FAULKNER (SBN 263857)  
 sfaulkner@kvn.com  
 16 KEKER & VAN NEST LLP  
 710 Sansome Street  
 17 San Francisco, CA 94111-1704  
 Telephone: (415) 391-5400  
 18 Facsimile: (415) 397-7188

19 Attorneys for Plaintiff  
 GENENTECH, INC.

GARY N. FRISCHILING (SBN 130583)  
 gfrischiling@irell.com  
 JASON SHEASBY (SBN 205455)  
 jsheasby@irell.com  
 THOMAS JACKMAN (SBN 267504)  
 tjackman@irell.com  
 IRELL & MANELLA LLP  
 1800 Avenue of the Stars, Suite 900  
 Los Angeles, California 90067-4276  
 Telephone: (310) 277-1010  
 Facsimile: (310) 203-7199

SANDRA HABERNY, PHD (SBN 260977)  
 shaberny@irell.com  
 IRELL & MANELLA LLP  
 840 Newport Center Drive, Suite 400  
 Newport Beach, California 92660-6324  
 Telephone: (949) 760-0991  
 Facsimile: (949) 760-5200

Attorneys for Defendant  
 THE TRUSTEES OF THE UNIVERSITY OF  
 PENNSYLVANIA

21 **UNITED STATES DISTRICT COURT**  
 22 **NORTHERN DISTRICT OF CALIFORNIA**  
 23 **SAN JOSE DIVISION**

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GENENTECH, INC., )  
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Plaintiff, )  
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vs. )  
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THE TRUSTEES OF THE UNIVERSITY OF )  
PENNSYLVANIA, a Pennsylvania non-profit )  
corporation, )  
 )  
Defendant. )  
 )

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Case No: 5:10-CV-2037-LHK (PSG)  
**JOINT STIPULATION AND  
[PROPOSED] ORDER REGARDING  
TECHNICAL EXPERTS DURING  
CLAIM CONSTRUCTION**  
**Hearing Date:** December 8, 2010  
**Time:** 2:00 p.m.  
**Judge:** Hon. Lucy H. Koh

1 WHEREAS defendant the Trustees of the University of Pennsylvania (“the University”) and  
2 plaintiff Genentech, Inc. (“Genentech”) have met and conferred regarding the use of technical expert  
3 testimony in connection with claim construction in this matter;

4 THE PARTIES THEREFORE AGREE as follows:

- 5 1. The parties will meet and confer by Tuesday, December 14, 2010, to further explain  
6 the technical expert subjects to be addressed by each party.
  - 7 2. The parties will simultaneously exchange technical expert declarations on January 7,  
8 2011.
  - 9 3. The depositions of the technical experts will be conducted thereafter and will be  
10 concluded by February 4, 2010.
  - 11 4. The parties jointly request that the Court reset the filing date for the Joint Claim  
12 Construction and Prehearing Statement, currently December 21, 2010, to January 7,  
13 2011.
  - 14 5. The parties will not call technical experts at the Markman hearing to give live  
15 testimony, unless the Court so requests.
  - 16 6. The remaining dates set by the Court in the initial case management order or in  
17 subsequent orders should remain unchanged.
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PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that:

1. The filing date for the Joint Claim Construction and Prehearing Statement, currently set for December 21, 2010, is reset for January 7, 2011.

SO ORDERED.

Dated: \_\_\_\_ December 10 \_\_, 2010

  
\_\_\_\_\_  
LUCY H. KOH  
United States District Judge