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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  
SARA 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

**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)  
)  
) **SECOND 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 December 6, 2010, plaintiff Genentech, Inc. (“Genentech”) and defendant the  
2 Trustees of the University of Pennsylvania (“the University”) filed a Joint Stipulation and Proposed  
3 Order to Extend the Deadline for Genentech to File Objections to the Court’s November 22 Order  
4 (Dkt. No. 45) to December 14, 2010; and

5 WHEREAS the parties had wanted the deadline extension to discuss whether there is a way  
6 to limit Genentech’s production of regulatory materials, other than the BLA Submissions (as that  
7 term is used in the Court’s November 22 Order), to avoid the production of irrelevant materials; and

8 WHEREAS, the parties are still addressing the proper scope for production of the regulatory  
9 materials and believe that an additional extension would benefit their discussion; and

10 WHEREAS, given the upcoming holidays, the parties expect that it may require additional  
11 time to work out a compromise; 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 December 14, 2010, is extended to  
17 December 28, 2010:

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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1 SO STIPULATED:  
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3 Respectfully submitted,

4 Dated: December 14, 2010

SIDLEY AUSTIN LLP

7 By: \_\_\_\_\_  
8 M. PATRICIA THAYER

9 Attorneys for Plaintiff GENENTECH, INC.

10 Dated: December 14, 2010

IRELL & MANELLA LLP

12 By: \_\_\_\_\_  
13 GARY N. FRISCHLING<sup>1</sup>

14 Attorneys for Defendants THE TRUSTEES OF  
15 THE UNIVERSITY OF PENNSYLVANIA.  
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28 <sup>1</sup> Pursuant to General Order 45(X), the filer of this document hereby attests that concurrence in the filing of the document has been obtained from Gary N. Frischling.

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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 December 14, 2010, is extended to December 28, 2010:

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: \_\_\_\_ December 15, 2010

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