

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

GENENTECH, INC. and CITY OF HOPE,

Plaintiffs,

v.

AMGEN INC.,

Defendant.

C.A. No. 18-cv-924-CFC

PUBLIC VERSION FILED:
APRIL 24, 2019

**STIPULATION AND [PROPOSED] ORDER REGARDING CLAIM CONSTRUCTION
OF U.S. PATENT NOS. 6,627,196, 7,371,379, AND 10,160,811**

WHEREAS Plaintiffs Genentech, Inc. and City of Hope have sued Defendant Amgen Inc. for infringement of, among other things, U.S. Patent Nos. 6,627,196 (“the ’196 patent”), 7,371,379 (“the ’379 patent”), and 10,160,811 (“the ’811 patent”);

WHEREAS the parties initially identified the term “an initial dose” in claims 11 and 22 of the ’196 patent, claims 11 and 21 of the ’379 patent, and claims 6 and 7 of the ’811 patent as a claim term for construction in this case;

WHEREAS, in these circumstances, Plaintiffs believe there is no ripe claim construction dispute for the Court to resolve with respect to the term “an initial dose” in claims 11 and 22 of the ’196 patent, claims 11 and 21 of the ’379 patent, and claims 6 and 7 of the ’811 patent (which was briefed in the Revised Joint Claim Construction Brief (D.I. 121) at pages 3-33) as a claim term for construction in this case;

NOW THEREFORE, subject to the approval of the Court, it is hereby stipulated and agreed by the Parties that, for purposes of this case, the term “an initial dose” in claims 11 and 22

of the '196 patent, claims 11 and 21 of the '379 patent, and claims 6 and 7 of the '811 patent as a claim term for construction in this case shall mean "the first dose of the claimed antibody given to the patient as part of a treatment regimen."

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

MCCARTER & ENGLISH, LLP

/s/ Daniel M. Silver

Michael P. Kelly (#2295)
Daniel M. Silver (#4758)
Alexandra M. Joyce (#6423)
Renaissance Centre
405 North King Street, 8th Floor
Wilmington, DE 19801
(302) 984-6300
mkelly@mccarter.com
dsilver@mccarter.com
ajoyce@mccarter.com

Of Counsel:

William F. Lee
Lisa J. Pirozzolo
Emily R. Whelan
Kevin S. Prussia
Andrew J. Danford
WILMER CUTLER PICKERING HALE AND DORR LLP
60 State Street
Boston, MA 02109
(617) 526-6000
william.lee@wilmerhale.com
lisa.pirozzolo@wilmerhale.com
emily.whelan@wilmerhale.com
kevin.prussia@wilmerhale.com
andrew.danford@wilmerhale.com

SMITH KATZENSTEIN & JENKINS LLP

/s/ Eve H. Ormerod

Neal C. Belgam (#2721)
Eve H. Ormerod (#5369)
1000 West Street, Suite 1501
Wilmington, DE 19801
(302) 652-8400
nbelgam@skjlaw.com
eormerod@skjlaw.com

Of Counsel:

Michelle Rhyu
Susan Krumplitsch
Daniel Knauss
COOLEY LLP
3175 Hanover Street
Palo Alto, CA 94304-1130
(650) 843-5287
skrumplitsch@cooley.com
mrhyu@cooley.com
dknauss@cooley.com

Orion Armon
COOLEY LLP
380 Interlocken Crescent, Suite 900
Broomfield, CO 80021-8023
(720) 566-4119
oarmon@cooley.com

Robert J. Gunther Jr.
WILMER CUTLER PICKERING
HALE AND DORR LLP
7 World Trade Center
250 Greenwich Street
New York, NY 10007
(212) 230-8800
robert.gunther@wilmerhale.com

Daralyn J. Durie
Adam R. Brausa
DURIE TANGRI LLP
217 Leidesdorff St.
San Francisco, CA 94111
(415) 362-6666
ddurie@durietangri.com
abrausa@durietangri.com

*Attorneys for Plaintiffs Genentech, Inc. and
City of Hope*

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Eamonn Gardner
COOLEY LLP
4401 Eastgate Mall
San Diego, CA 92121-1909
(858) 550-6086
egardner@cooley.com

Nancy Gettel
Thomas Lavery, IV
AMGEN INC.
One Amgen Center Drive
Thousand Oaks, CA 91320-1799
(805) 447-1000
ngettel@amgen.com
tlavery@amgen.com

Attorneys for Defendant Amgen Inc.

SO ORDERED this _____ day of _____, 2019.

United States District Judge