

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

GENENTECH, INC.,

Plaintiffs,

v.

AMGEN INC.

Defendant.

Case No. 18-924-CFC

**STIPULATION AND ~~PROPOSED~~ ORDER FOR DAMAGES AND THIRD-PARTY  
SUBPOENA DISCOVERY**

Genentech, Inc. and Amgen Inc. hereby stipulate, subject to the approval of the Court, to the following schedule for the parties to pursue discovery pertaining to (i) Genentech's claims for money damages, and (ii) the usage and administration of Kanjinti by the fifteen third parties that have already been served subpoenas by Genentech:

<b>Deadline</b>	<b>Date</b>
Last day to serve no more than (7) money damages-related interrogatories	November 27, 2019
Last day to serve money damages-related 30(b)(6) notices	November 27, 2019
Deadline for responding to money damages-related interrogatories	December 27, 2019
Substantial completion of money damages document discovery	December 13, 2019
Close of third-party subpoena fact discovery Production of updated sales and financial data and documents in	January 31, 2020

<b>Deadline</b>	<b>Date</b>
the parties' possession regarding the prescription and administration of Herceptin and Kanjinti (e.g., claims data and medical record information)  Close of money damages fact discovery	
Opening money damages expert reports  Deadline for service of supplemental responses to interrogatories on money damages issues	February 14, 2020
Rebuttal money damages expert reports	March 13, 2020
Close of money damages expert discovery	March 27, 2020
Production of updated sales and financial data and documents in the parties' possession regarding the prescription and administration of Herceptin and Kanjinti (e.g., claims data and medical record information)	April 3, 2020
Update to calculations in money damages expert reports to reflect updated sales and financial data and updated information regarding the prescription and administration of Herceptin and Kanjinti (e.g., claims data and medical record information)	April 10, 2020

It is further stipulated by the parties, subject to approval by the Court, that each side shall have (1) 20 hours of deposition time for money damages-related fact and 30(b)(6) party depositions, and (2) each side will be allowed to serve seven additional interrogatories relating to money damages.

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Dated: November 20, 2019

SO ORDERED this 21<sup>st</sup> day of November, 2019.

  
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United States District Judge