

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

GENENTECH, INC.,

Plaintiffs,

v.

AMGEN INC.,

Defendant.

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

**FILED UNDER SEAL**

**STIPULATION AND [PROPOSED] ORDER EXTENDING CERTAIN  
PRETRIAL SUBMISSION DEADLINES**

WHEREAS Amgen relies on the services of Epiq Systems, Inc. (“Epiq”) as its host for all documents produced by Genentech, Amgen, and third parties in this litigation;

WHEREAS Epiq experienced a complete and total system-wide interruption of all services (the “Epiq outage”) beginning the morning of Saturday, February 29, 2020 (see attached Declaration of Olivia Cutler, Epiq Project Director);

WHEREAS, as a result of the Epiq outage, Amgen has had no access to any production documents hosted by Epiq;

WHEREAS Amgen’s Initial Exhibit List (L.R. 16.3(c)(6)) is currently due Tuesday, March 3, 2020;

WHEREAS the Epiq outage has prevented Amgen from preparing and completing its Initial Exhibit List;

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WHEREAS Epiq has been and remains unable to provide any definitive timeline regarding when its services and access to production documents will be restored to Amgen;

NOW THEREFORE, it is hereby stipulated and agreed by the Parties, subject to the approval of the Court, that:

Genentech, Inc. and Amgen Inc. hereby stipulate and agree, subject to the approval of the Court, to extend Amgen's deadline for service of its Initial Exhibit List for four full days, measured from the time that Amgen's access to the production documents hosted by Epiq is fully restored.

Genentech, Inc. and Amgen Inc. hereby further stipulate and agree, subject to the approval of the Court, that the deadline for service of Objections to Exhibits and Counter-Exhibits will be extended automatically such that it is fourteen days from the date Amgen's Initial Exhibit List is served, and the deadline for service of Objections to Counter-Exhibits is extended automatically such that it is six days from the date that Counter-Exhibits are served.

Genentech, Inc. and Amgen Inc. hereby further stipulate and agree, subject to the approval of the Court, to meet and confer and seek approval from the Court for further modifications to the Schedule for Pretrial Exchange as needed to address any impact to other deadlines caused by the Epiq outage.

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No other deadlines set forth in the Stipulation and Schedule for Pretrial Exchange (D.I. 489) are affected by this stipulation.

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*Attorneys for Defendant  
Amgen Inc.*

Dated: March 3, 2020

SO ORDERED this 3rd day of March, 2020.

  
\_\_\_\_\_  
United States District Judge

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