

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

GENENTECH, INC., HOFFMANN-LA
ROCHE, INC., and CHUGAI
PHARMACEUTICAL CO., LTD,

Plaintiffs,

v.

BIOGEN MA INC and BIO-THERA
SOLUTIONS, LTD.,

Defendants.

Case No.: 1:23-CV-11573

**JOINT STIPULATION REGARDING ACCEPTANCE OF SERVICE OF COMPLAINT
AND DEADLINE FOR RESPONSE TO COMPLAINT**

Plaintiffs Genentech, Inc., Hoffmann-La Roche, Inc. and Chugai Pharmaceutical Co., Ltd. (collectively, "Plaintiffs") and Defendants Biogen MA Inc. and Bio-Thera Solutions, Ltd. (collectively, "Defendants"), hereby stipulate as follows:

WHEREAS, Plaintiffs filed a Complaint against Defendants on July 13, 2023, seeking a judgment of patent infringement against Defendants under 35 U.S.C. § 271(e);

WHEREAS, Plaintiffs contend that Defendant Biogen MA Inc. was served with the summons and Complaint on July 17, 2023 and that its response is currently due by August 7, 2023;

WHEREAS, Defendant Biogen MA Inc. contends that it was not properly served with the summons and Complaint;

WHEREAS, Plaintiffs provided a courtesy copy of the Complaint to Defendant Bio-Thera Solutions, Ltd.'s counsel via electronic mail on July 17, 2023;

WHEREAS, undersigned counsel for Defendant Bio-Thera Solutions, Ltd. have agreed to waive formal service of process on behalf of Defendant Bio-Thera Solutions, Ltd. as part of this Stipulation;

WHEREAS, undersigned counsel for Defendant Biogen MA Inc. have agreed to waive formal service of process on behalf of Defendant Biogen MA Inc. as part of this Stipulation;

WHEREAS, the parties have conferred and agreed, subject to approval of the Court, to make October 3, 2023 the deadline for Defendant Biogen MA Inc. and Defendant Bio-Thera Solutions, Ltd. to answer, move, or otherwise respond to the Complaint;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, subject to approval of the Court, that:

1. Defendant Biogen MA Inc. hereby accepts service of the summons and the Complaint in the above-captioned matter and waives the formal service requirements set forth in Rule 4 of the Federal Rules of Civil Procedure and any applicable local rules of this Court, including, but not limited to, service of a summons.

2. Defendant Bio-Thera Solutions, Ltd. hereby accepts service of the summons and the Complaint in the above-captioned matter and waives the formal service requirements set forth in Rule 4 of the Federal Rules of Civil Procedure and any applicable local rules of this Court, including, but not limited to, service of a summons.

3. Biogen MA Inc. and Bio-Thera Solutions, Ltd. shall answer, move, or otherwise respond to the Complaint on or before October 3, 2023.

Date: August 7, 2023

/s/ Benjamin M. Stern

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*Attorneys for Defendant Bio-Thera
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IT IS SO ORDERED:

Dated: _____

The Honorable Leo T. Sorokin

CERTIFICATE OF SERVICE

I hereby certify that on August 7, 2023, a true copy of the above document, including attachments, was served via electronic means using the Court's Electronic Case Filing (ECF) system upon all registered ECF users, and paper copies will be sent to those indicated as non-registered participants.

/s/ Benjamin M. Stern

Benjamin M. Stern