

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

GENENTECH, INC.,

Plaintiff,

v.

AMGEN INC.,

Defendant.

C.A. No. 18-924-CFC

[PROPOSED] ORDER

AND NOW, this ____ day of _____, 2019, having considered Amgen Inc.'s discovery dispute letter seeking to compel: (1) the continued deposition of named inventor Dr. Sharon Baughman in view of a critical late-produced email implicating Dr. Brian Leyland-Jones as inventor of the Dosing Patents; (2) production of an unredacted form of the late-produced email referenced above; (3) production of documents in the possession of Roche, Genentech's parent entity, relating to Dr. Leyland-Jones and the BO15935 clinical trial that he led; (4) denial of Genentech's motion for a protective order to prevent a deposition of Dr. Leyland-Jones; and (5) production of documents and a 30(b)(6) witness related to licensing the patents-in-suit (the "Motion to Compel") and any responses thereto:

IT IS SO ORDERED that the Motion to Compel is GRANTED. Plaintiff's motion for protective order is DENIED. IT IS FURTHER ORDERED that:

1. Genentech shall make available named inventor Dr. Sharon Baughman to continue her deposition for up to **three (3) hours**;
2. Within **five (5) days** from the date of this Order, Genentech shall produce to counsel for Amgen Inc. an unredacted form of the Baughman email originally produced on July 23, 2019;

3. Within **fourteen (14) days** from the date of this Order, Genentech shall produce to counsel for Amgen Inc. non-privileged documents responsive to Amgen Inc.'s Request for Production Nos. 1, 3, 8, 12, 16, and 53-56 relating to Dr. Leyland-Jones and the BO15935 trial that are in the possession of Genentech or its parent company, Roche. Any privileged documents or communications responsive to the Requests shall be included in a supplemental privilege log; and

4. Within **fourteen (14) days** from the date of this Order, Plaintiff shall produce to counsel for Amgen Inc. documents responsive to Requests for Production Nos. 31 and 65, and any privileged documents or communications responsive to the Requests shall be included in a supplemental privilege log. On an agreed date within a reasonable time thereafter, Genentech shall make available for deposition a Genentech representative pursuant to Fed. R. Civ. P. 30(b)(6) to testify concerning Amgen's Topics 29 and 30.

The Honorable Colm F. Connolly