



Daniel M. Silver
Partner
T. 302-984-6331
F. 302-691-1260
dsilver@mccarter.com

McCarter & English, LLP
Renaissance Centre
405 N. King Street, 8th Floor
Wilmington, DE 19801-3717
www.mccarter.com

December 20, 2019

VIA CM/ECF & HAND DELIVERY

The Honorable Magistrate Sherry R. Fallon
United States District Court for the District of Delaware
J. Caleb Boggs Federal Building
844 North King Street
Wilmington, DE 19801-3555

Re: **Genentech, Inc. v. Amgen Inc., C.A. No. 18-924-CFC-SRF (D. Del.)**

Dear Magistrate Fallon:

We write on behalf of Genentech in regard to Your Honor's Oral Order granting the parties' Joint Motion for Teleconference (DI 468). We appreciate the Court's prompt action on the Motion, but respectfully inquire if it would be possible for the Court to hear the disputed discovery issues any sooner than January 29, 2020. While cognizant of the burdens imposed on the Court, we are concerned that a delay in resolution of these important discovery issues until January 29th will make compliance with the remainder of the case schedule (including a January 31st fact discovery cut-off and February 14th opening expert report deadline) impossible. Genentech has attempted to engage with Amgen on these issues since November and has been working diligently to resolve these issues within the existing case schedule. Genentech's counsel will be available at any earlier date for a teleconference set by the Court. We thank the Court for its consideration.

Counsel are available should the Court have any questions.

Respectfully submitted,

/s/ Daniel M. Silver

Daniel M. Silver (#4758)

cc: All counsel of record (via CM/ECF)