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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

GENENTECH, INC., a Delaware corporation,
et al.,

Plaintiffs,

v.

CELLTRION, INC., a Korean corporation, et
al.,

Defendants.

Case No. 1:18-cv-00574 (RMB) (KMW)

Honorable Renée M. Bumb, U.S.D.J.

GENENTECH, INC., a Delaware corporation,
et al

Plaintiffs,

v.

CELLTRION, INC., a Korean corporation, et
al.,

Defendants.

Case No. 1:18-cv-11553 (RMB) (KMW)

Honorable Renée M. Bumb, U.S.D.J.

**STIPULATION AND CONSENT ORDER
FOR CONSOLIDATION FOR ALL PURPOSES**

WHEREAS, on January 12, 2018, Plaintiffs Genentech, Inc., Biogen, Inc., Hoffmann-La Roche Inc., and City of Hope (collectively, “Plaintiffs”) filed suit against Defendants Celltrion, Inc., Celltrion Healthcare Co., Ltd., Teva Pharmaceuticals USA, and Teva Pharmaceuticals International GmbH (collectively “Defendants”) in *Genentech, Inc., et al. v. Celltrion, Inc., et al.*, No. 1:18-cv-574 (RMB) (KMW) (the “Lead Action”) asserting claims of infringement and declaratory relief regarding forty (40) patents in connection with Defendants’ filing of an Abbreviated Biologic License Application (“aBLA”) for approval to market a biosimilar version of Plaintiffs’ medicinal product, Rituxan®;

WHEREAS, in the Lead Action, Plaintiffs filed an Amended Complaint on July 5, 2018, reducing the number of asserted patents to eighteen (18);

WHEREAS, in light of Defendants’ contention that the parties had satisfied certain exchanges required by 42 U.S.C. § 262(l)(5) on June 11, 2018, on July 11, 2018, Plaintiffs filed, out of an abundance of caution and reserving all rights, a related suit against Defendants in *Genentech, Inc., et al. v. Celltrion, Inc., et al.*, No. 1:18-cv-11553 (RMB) (KMW) (the “Related Action”) asserting the same claims on the same eighteen (18) patents as in the Lead Action;

WHEREAS, both the Lead Action, as reflected in the Amended Complaint, and the Related Action concern the same parties, the same product, and the same patents;

WHEREAS, counsel for all parties in the Lead Action and the Related Action having consented to the consolidation of those actions for all purposes, including trial, and the Court having found that consolidating those actions would promote convenience and economy in judicial administration and that consolidating these actions would conserve the parties’ and the Court’s resources; and good cause having been shown for the entry of this Order,

IT IS on this _____ day of September, 2018

ORDERED THAT:

1. The following cases are consolidated for all purposes, including trial, pursuant to Federal Rule of Civil Procedure 42(a): *Genentech, Inc., et al. v. Celltrion, Inc., et al.*, No. 1:18-cv-574 (RMB) (KMW) and *Genentech, Inc., et al. v. Celltrion, Inc., et al.*, No. 1:18-cv-11553 (RMB) (KMW).
2. Plaintiffs' complaint, filed on July 11, 2018, in the Related Action shall be deemed served as of the date of this Order.
3. Defendants' Answer, Affirmative Defenses, and Counterclaims to Plaintiffs' Amended Complaint, filed on August 2, 2018, in the Lead Action (Dkt. No. 73) shall be deemed to apply to the Related Action as of the date of this Order.
4. Plaintiffs' Motion to Dismiss Defendants' Counterclaims, filed on July 16, 2018, in the Lead Action (Dkt. No. 57) shall be deemed to apply to Defendants' Counterclaims filed on August 2, 2018, as those Counterclaims apply to the Related Action by Item 3, above, as of the date of this Order.
5. Any future filings in the consolidated actions are to be made under the Lead Action, case number 1:18-cv-574.
6. All filings, discovery, and Court orders entered to-date in the Lead Action shall apply as if made or entered in the Related Action.
7. All discovery obtained in the Lead Action shall be available for use in the Related Action and vice versa for the purpose of prosecuting, defending, or settling either action, to the extent such discovery is otherwise admissible and subject to the terms of the Stipulated Discovery Confidentiality Order.

8. The parties' Joint Discovery Plan submitted in the Lead Action shall apply to the Related Action.

SO ORDERED.

9/6/18


Hon. Renée M. Bumb, U.S.D.J.

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