DURIE TANGRI LLP
DARALYN J. DURIE (SBN 169825)
ddurie@durietangri.com
MARK A. LEMLEY (SBN 155830)
mlemley@durietangri.com
217 Leidesdorff Street
San Francisco, CA 94111
Telephone: (415) 362-6666
Facsimile: (415) 236-6300

Attorneys for Defendants
GENENTECH, INC. and CITY OF HOPE

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

WESTERN DIVISION

GLAXO GROUP LIMITED and GLAXOSMITHKLINE LLC, Plaintiffs, v. GENENTECH, INC., and CITY OF HOPE, Defendants.	Case No. CV-10-02764 GHK (FMOx) **GENENTECH, INC. AND CITY OF HOPE'S NOTICE OF RELATED CASE**
GENENTECH, INC., and CITY OF HOPE, Counter-Plaintiffs, v. GLAXO GROUP LIMITED and GLAXOSMITHKLINE LLC, Counter-Defendants.	

Pursuant to Local Rule 83.1.3, Defendants Genentech, Inc. and City of Hope ("Defendants") hereby give notice that an action currently pending in this judicial district, identified as *Centocor Ortho Biotech, Inc. v. Genentech, Inc. and City of Hope National Medical Center, Case No. CV 08-03573 MRP (CTx)*, and the present action involve the same patent and, even though different products are at issue and the cases will have very different discovery schedules and will remain in different stages of litigation, the two actions call for determination of the same or substantially related or similar questions of law and fact with respect to many aspects of the same patent.

Both the *Centocor* action and the present action involve complaints for declaratory relief of invalidity, unenforceability, and non-infringement with respect to U.S. Patent No. 6,331,415 (the "Cabilly II patent"). In the present action, GSK seeks a declaration of its rights relative to the Cabilly II patent on similar grounds to those asserted in *Centocor*. Thus, there is a substantial overlap on issues of claim construction, scope and content of the prior art, validity of the claims of the Cabilly II patent over the prior art, and alleged unenforceability, among other issues.

As a result, Defendants believe that there would be a substantial duplication of labor if the present action were heard by a different judge.

Dated: April 23, 2010

DURIE TANGRI LLP

By: */s/ Daralyn J. Durie*
Daralyn J. Durie

Attorneys for Defendants
GENENTECH, INC., and CITY OF HOPE

Of Counsel

PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP
KENNETH GALLO
2001 K Street, NW
Washington, DC 20006-1047

kgallo@paulweiss.com
Telephone: (202) 223-7300
Facsimile: (202) 223-7420

PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP
JOHN E. NATHAN
CATHERINE NYARADY
KRIPA RAMAN
1285 Avenue of the Americas
New York, NY 10019-6064
jnathan@paulweiss.com
cnyarady@paulweiss.com
kraman@paulweiss.com
Telephone: (212) 373-3000
Facsimile: (212) 757-3990

CERTIFICATE OF SERVICE

I am a citizen of the United States and resident of the State of California. I am employed in San Francisco County, State of California, in the office of a member of the bar of this Court, at whose direction the service was made. I am over the age of eighteen years, and not a party to the within action. My business address is 217 Leidesdorff Street, San Francisco, CA 94111.

On April 23, 2010, I served the following documents in the manner described below:

GENENTECH, INC. AND CITY OF HOPE'S NOTICE OF RELATED CASE

☐ (BY U.S. MAIL) I am personally and readily familiar with the business practice of Durie Tangri LLP for collection and processing of correspondence for mailing with the United States Parcel Service, and I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States Postal Service at San Francisco, California.

☒ (BY MESSENGER SERVICE) by consigning the document(s) to an authorized courier and/or process server for hand delivery on this date.

☐ (BY FACSIMILE) I am personally and readily familiar with the business practice of Durie Tangri LLP for collection and processing of document(s) to be transmitted by facsimile and I caused such document(s) on this date to be transmitted by facsimile to the offices of addressee(s) at the numbers listed below.

☐ (BY OVERNIGHT MAIL) I am personally and readily familiar with the business practice of Durie Tangri LLP for collection and processing of correspondence for overnight delivery, and I caused such document(s) described herein to be deposited for delivery to a facility regularly maintained by Federal Express for overnight delivery.

☒ BY ELECTRONIC SERVICE: By electronically mailing a true and correct copy through Durie Tangri's electronic mail system from mafranz@durietangri.com to the email addresses set forth below.

☐ (BY PERSONAL DELIVERY) I caused such envelope to be delivered by hand to the offices of each addressee below.

On the following part(ies) in this action:

Lloyd R. Day, Jr.
DayL@howrey.com
Robert M. Gavin
GalvinR@howrey.com
Jackie N. Nakamura
NakamuraJ@howrey.com
Howrey LLP
1950 University Avenue, 4th Floor
East Palo Alto, CA 94303

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on April 23, 2010, at San Francisco, California.

/s/Margaret Ann Franz
Margaret Ann Franz