DURIE TANGRI LLP
DARALYN J. DURIE (SBN 169825)
ddurie@durietangri.com
DAVID McGOWAN (SBN 154289)
dmcgowan@durietangri.com
ADAM R. BRAUSA (SBN 298754)
abrausa@durietangri.com
217 Leidesdorff Street
San Francisco, CA 94111
Telephone: 415-362-6666
Facsimile: 415-236-6300

WILMER CUTLER PICKERING HALE AND DORR LLP
Christopher T. Casamassima (SBN 211280)
chris.casamassima@wilmerhale.com
350 South Grand Avenue, Suite 2100
Los Angeles, CA 90071
Telephone: 213-443-5374
Facsimile: 213-443-5400

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

IN THE UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

WESTERN DIVISION

SANOFI-AVENTIS U.S. LLC and REGENERON PHARMACEUTICALS, INC.,

Plaintiffs,

v.

GENENTECH, INC., and CITY OF HOPE

Defendants.

GENENTECH, INC., and CITY OF HOPE,

Counterclaim Plaintiffs,

v.

SANOFI-AVENTIS U.S. LLC and REGENERON PHARMACEUTICALS, INC.,

Counterclaim Defendants.

Case No. 2:15-CV-05685-GW-AGR

GENENTECH, INC. AND CITY OF HOPE'S COVENANT RE PRALUENT

Ctrm: 10, Spring Street Floor
Judge: George H. Wu

WILMER CUTLER PICKERING HALE AND DORR LLP
Robert J Gunther, Jr (*Pro Hac Vice*)
Robert.Gunther@wilmerhale.com
7 World Trade Center
250 Greenwich Street
New York, NY 10007
Telephone: 212-230-8830
Facsimile: 212-230-8888

WILMER CUTLER PICKERING HALE AND DORR LLP
David L Cavanaugh (*Pro Hac Vice*)
david.cavanaugh@wilmerhale.com
1875 Pennsylvania Avenue NW
Washington, DC 20006
Telephone: 202-663-6025
Facsimile: 202-663-6363

WILMER CUTLER PICKERING HALE AND DORR LLP
Kevin S Prussia (*Pro Hac Vice*)
kevin.prussia@wilmerhale.com
60 State Street
Boston, MA 02109
Telephone: 617-526-6243
Facsimile: 617-526-5000

WHEREAS Sanofi-Aventis U.S. LLC ("Sanofi") and Regeneron Pharmaceuticals, Inc. ("Regeneron") (collectively, "Plaintiffs") and Genentech, Inc. ("Genentech") and City of Hope (collectively, "Defendants") are parties in the above-captioned litigation, in which Sanofi and Regeneron have challenged the validity of the claims of U.S. Patent No. 7,923,221 ("the Cabilly III Patent") and Genentech and City of Hope have counterclaimed for infringement of certain claims of the Cabilly III Patent by Sanofi and Regeneron, based on their manufacture, distribution, and sale of the Praluent® (alirocumab) monoclonal antibody product ("Praluent");

WHEREAS, Genentech and City of Hope have asserted in this litigation that the methods used to produce Praluent infringe claim 34 of the Cabilly III Patent;

NOW, THEREFORE, in light of the foregoing, and in an effort to streamline and simplify the issues for resolution in this case, Genentech and City of Hope, on behalf of themselves and any successors-in-interest to their rights under the Cabilly III Patent, hereby unconditionally and irrevocably covenant not to assert that any activities related to Praluent, or any Sanofi or Regeneron products that are not more than insubstantially different from Praluent, whether occurring before or after the date of this covenant, would infringe (including direct infringement, contributory infringement, and inducing infringement) any claim of the Cabilly III Patent as it currently reads, except for claim 34.

The term "Praluent" as used herein means Praluent® (alirocumab) as approved by the Food and Drug Administration on July 24, 2015.

This covenant covers all claims of the Cabilly III Patent as they currently read except for claim 34, and any claim in any reissued, reviewed, or reexamined version of the Cabilly III Patent that is the same as, or substantially identical to, any claim of the Cabilly III Patent as it currently reads except for claim 34. The term "substantially identical" as used herein is intended to have the same meaning as that term is used in 35 U.S.C. § 252.

This covenant does not extend to (1) any claim in any reissued or reexamined version of the Cabilly III Patent that is not the same as, or substantially identical to, any

claim of the Cabilly III Patent as it currently reads; (2) any claim in any other patent that is or may be issued by the United States Patent Office or foreign patent agency, whether related or unrelated to the Cabilly III Patent; (3) any activities related to any products other than Praluent, except for products manufactured, distributed, or sold by Sanofi or Regeneron that are not more than insubstantially different from Praluent; or (4) claim 34 of the Cabilly III Patent.

Dated: July 8, 2016

DURIE TANGRI LLP

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

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

CERTIFICATE OF SERVICE

I certify that all counsel of record is being served on July 8, 2016 with a copy of this document via the Court's CM/ECF system.

Elizabeth Mann
MAYER BROWN LLP
350 South Grand Avenue, 25th Floor
Los Angeles, CA 90071-1503
Telephone: (213) 229-9500
Facsimile: (213) 625-0248
emann@mayerbrown.com

Attorneys for Plaintiffs Sanofi-Aventis U.S. LLC and Regeneron Pharmaceuticals, Inc.

Lisa Ferri
Brian Nolan
Richard McCormick
MAYER BROWN LLP
1221 Avenue of Americas
New York, NY 10020
Telephone: (212) 506-2500
Facsimile: (212) 262-1910
lferri@mayerbrown.com
bnolan@mayerbrown.com
rmccormick@mayerbrown.com

Attorneys for Plaintiffs Sanofi-Aventis U.S. LLC and Regeneron Pharmaceuticals, Inc.

/s/ Daralyn J. Durie
DARALYN J. DURIE