DURIE TANGRI LLP
DARALYN J. DURIE (SBN 169825)
ddurie@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 Counter-Plaintiffs
GENENTECH, INC. and CITY OF HOPE

Additional Counsel Listed on Following Page

IN THE UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

WESTERN DIVISION

GENZYME CORPORATION,

Plaintiff,

v.

GENENTECH, INC., and CITY OF HOPE

Defendants.

GENENTECH, INC., and CITY OF HOPE,

Counter-Plaintiffs,

v.

GENZYME CORPORATION

Counter-Defendant.

Case No. 2:15-cv-09991-GW-AGR

JOINT STIPULATION TO ALLOW GENENTECH, INC. AND CITY OF HOPE TO FILE ANSWER AND FIRST AMENDED COUNTERCLAIMS AGAINST GENZYME, INC.

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
AMANDA L. MAJOR (*Pro Hac Vice*)
amanda.major@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
CHRISTIAN G. KIELY (*Pro Hac Vice*)
Christian.kiely@wilmerhale.com
KELLY HALFORD (*Pro Hac Vice*)
lelly.halford@wilmerhale.com
60 State Street
Boston, MA 02109
Telephone: 617-526-6243
Facsimile: 617-526-5000

Plaintiff Genzyme, Inc. ("Genzyme") and Defendants Genentech, Inc. ("Genentech") and City of Hope (collectively "the Parties"), by and through their respective counsel and pursuant to Fed. R. Civ. P. 15(a)(2), stipulate and agree that Genentech and City of Hope may file amended counterclaims against Genzyme to add a claim for breach of contract based on the following:

WHEREAS, on March 31, 2003, ILEX Pharmaceuticals LP entered into an agreement with Genentech under which it received, *inter alia,* a non-exclusive license under the application that later issued as the patent-in-suit to make, have made, use, sell, offer for sale, and import products which, but for the license, would allegedly infringe one or more valid claims of the patent-in-suit (the "ILEX License");

WHEREAS, Genzyme acquired ILEX in 2004 and assumed its rights and obligations under the ILEX License;

WHEREAS, since acquiring ILEX in 2004, Genzyme has paid Genentech royalties under the ILEX License for its Campath® (alemtuzumab) and Lemtrada® (alemtuzumab) products, but stopped making any royalty payments as of the fourth quarter of 2015 (payment was due March 15, 2016);

WHEREAS, good cause exists to allow Genentech and City of Hope to amend their counterclaims to add a claim for breach of contract against Genzyme because this case is in its early stages and Genzyme consents to the filing of the proposed amended pleading attached hereto as Exhibit A;

NOW, THEREFORE, the Parties hereby STIPULATE and agree that Genentech and City of Hope should be granted leave to file the Answer and First Amended Counterclaims attached hereto as Exhibit A.

Dated: June 3, 2016

DURIE TANGRI LLP

By: */s/ Adam R. Brausa*
DARALYN J. DURIE
ADAM R. BRAUSA

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

Dated: June 3, 2016

MAYER BROWN LLP

By: */s/ Elizabeth Mann*
ELIZABETH MANN

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

FILER'S ATTESTATION

Pursuant to Civil L.R. 5-4, regarding signatures, I, Adam R. Brausa attest that concurrence in the filing of this document has been obtained.

/s/ Adam R. Brausa
ADAM R. BRAUSA

CERTIFICATE OF SERVICE

I certify that all counsel of record is being served on June 3, 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 Plaintiff Genzyme Corp.

Lisa Ferri
Brian Nolan
Richard McCormick
Scott McMurray
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
smcmurry@mayerbrown.com

Attorneys for Plaintiff Genzyme Corp.

/s/ Adam R. Brausa
ADAM R. BRAUSA