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13 *and Roche Laboratories Inc.*

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15 **UNITED STATES DISTRICT COURT**
16 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

17 ANDREW M. CASTON, RICHARD GITHENS,
18 PATRICK EUGENE WAGHER, and
19 KENDRICK ALLEN, on behalf of themselves
and all others similarly situated,

20 Plaintiffs,

21 v.

22 F. HOFFMANN-LA ROCHE INC.; ROCHE
23 LABORATORIES INC.; GENENTECH, INC.;
GENENTECH USA, INC; and DOES 1-100,

24 Defendants.
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Civil Case No.: 3:23-cv-00928-TLT

**HOFFMANN-LA ROCHE INC. AND
ROCHE LABORATORIES INC.'S NOTICE
OF CROSS-APPEAL AND
REPRESENTATION STATEMENT**

Judge: Honorable Trina L. Thompson

NOTICE OF CROSS-APPEAL

Notice is hereby given that Defendants Hoffmann-La Roche Inc. and Roche Laboratories Inc. hereby Cross-Appeal to the United States Court of Appeals for the Ninth Circuit from the Order entered in this action on April 8, 2024 (ECF No. 76), attached to this Notice as **Exhibit A**, to the extent the Court declined to dismiss Plaintiffs' claims against Defendants Hoffmann-La Roche Inc. and Roche Laboratories Inc. for lack of subject-matter jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(1). *See, e.g., Ieng v. Fleck*, 242 F.3d 382 (9th Cir. 2000).

Plaintiffs' Notice of Appeal (ECF No.77) has been docketed in the Ninth Circuit as Case No. 24-2920.

A Representation Statement required by Circuit Rule 3-2(b) is attached to this notice.

Respectfully submitted,

COVINGTON & BURLING LLP

DATED: May 21, 2024

By: /s/Andrew Soukup
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<p>Defendants-Appellees and Cross-Appellants Hoffmann-La Roche Inc. and Roche Laboratories Inc, and Defendants-Appellees Genentech, Inc. and Genentech USA, Inc.</p>	<p>Andrew Soukup asoukup@cov.com COVINGTON & BURLING LLP One CityCenter 850 Tenth Street, N.W. Washington, D.C. 20001 Telephone: + 1 (202) 662-6000 Facsimile: + 1 (202) 662-6291</p> <p>Alyssa McGraw amcgraw@cov.com COVINGTON & BURLING LLP One CityCenter 850 Tenth Street, N.W. Washington, D.C. 20001 Telephone: + 1 (202) 662-6000 Facsimile: + 1 (202) 662-6291</p> <p>Matthew Q. Verdin mverdin@cov.com COVINGTON & BURLING LLP Salesforce Tower 415 Mission Street, Suite 5400 San Francisco, California 94105 Telephone: + 1 (415) 591-6000 Facsimile: + 1 (415) 591-6091</p>
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