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**UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
Washington, D.C. 20549**

**FORM 8-K**

**CURRENT REPORT  
Pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934**

Date of Report (Date of earliest event reported): October 4, 2004

**GENENTECH, INC.**

(Exact name of Registrant as specified in its charter)

**Delaware**  
(State or other jurisdiction  
of incorporation)

**1-9813**  
(Commission  
File Number)

**94-2347624**  
(I.R.S. Employer  
Identification No.)

**1 DNA Way**  
**South San Francisco, California 94080-4990**  
(Address of principal executive offices and Zip Code)

Registrant's telephone number, including area code: **(650) 225-1000**

Check the appropriate box below if the Form 8-K filing is intended to simultaneously satisfy the filing obligation of the registrant under any of the following provisions (see General Instruction A.2. below):

- Written communications pursuant to Rule 425 under the Securities Act (17 CFR 230.425)
  - Soliciting material pursuant to Rule 14a-12 under the Exchange Act (17 CFR 240.14a-12)
  - Pre-commencement communications pursuant to Rule 14d-2(b) under the Exchange Act (17 CFR 240.14d-2(b))
  - Pre-commencement communications pursuant to Rule 13e-4(c) under the Exchange Act (17 CFR 240.13e-4(c))
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## **ITEM 8.01. OTHER EVENTS**

On October 4, 2004, Genentech, Inc. announced it received a subpoena from the U.S. Attorney's Office for the Eastern District of Pennsylvania, requesting documents related to the promotion of Rituxan® (rituximab), a prescription treatment for relapsed or refractory, low-grade or follicular, CD20 positive, B-cell non-Hodgkin's lymphoma. A copy of the press release containing the announcement is filed herewith as Exhibit 99.1 and is incorporated herein by this reference.

## **ITEM 9.01 FINANCIAL STATEMENTS AND EXHIBITS**

### (c) Exhibits

99.1 Press Release of Genentech, Inc. dated October 4, 2004.

## SIGNATURES

Pursuant to the requirements of the Securities Exchange Act of 1934, the registrant has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

Dated: October 5, 2004

By: /s/ STEPHEN G. JUELGAARD  
Stephen G. Juelsgaard  
Executive Vice President, General Counsel and  
Secretary

## EXHIBIT INDEX

<b>Exhibit No.</b>	<b>Description</b>
99.1	Press Release of Genentech, Inc. dated October 4, 2004.

[GENENTECH LOGO]

Media Contact: Debra Charlesworth (650) 225-2742  
Investor Contact: Kathee Littrell (650) 225-1034

NEWS RELEASE

<http://www.gene.com>

GENENTECH RECEIVES SUBPOENA ON RITUXAN(R)

SOUTH SAN FRANCISCO, CALIF. - OCT. 4, 2004 - Genentech, Inc., has received a subpoena from the U.S. Attorney's Office for the Eastern District of Pennsylvania, requesting documents related to the promotion of Rituxan(R) (rituximab), a prescription treatment for relapsed or refractory, low-grade or follicular, CD20 positive, B-cell non-Hodgkin's lymphoma.

Genentech plans to cooperate with the investigation which is both civil and criminal in nature.

ABOUT GENENTECH

Genentech is a leading biotechnology company that discovers, develops, manufactures and commercializes biotherapeutics for significant unmet medical needs. A considerable number of the currently approved biotechnology products originated from or are based on Genentech science. Genentech manufactures and commercializes multiple biotechnology products directly in the United States and licenses several additional products to other companies. The company has headquarters in South San Francisco, California and is traded on the New York Stock Exchange under the symbol DNA. For press releases and additional information about the company, please visit <http://www.gene.com>.