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10 Attorneys for Defendants and Counterclaimants  
11 Roche Molecular Systems, Inc.; Roche Diagnostics  
Corporation; and Roche Diagnostics Operations, Inc.

12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA

14 THE BOARD OF TRUSTEES OF THE LELAND  
STANFORD JUNIOR UNIVERSITY,

15 Plaintiff,

16 vs.

17 ROCHE MOLECULAR SYSTEMS, INC.; ROCHE  
18 DIAGNOSTICS CORPORATION; ROCHE  
DIAGNOSTICS OPERATIONS, INC.,

19 Defendants.

20 ROCHE MOLECULAR SYSTEMS, INC. ROCHE  
21 DIAGNOSTICS CORPORATION; ROCHE  
DIAGNOSTICS OPERATIONS, INC.,

22 Counterclaimants,

23 vs.

24 THE BOARD OF TRUSTEES OF THE LELAND  
25 STANFORD JUNIOR UNIVERSITY; THOMAS  
MERIGAN; AND MARK HOLODNIY;

26 Counterclaim Defendants.  
27  
28

CASE NO. C-05-04158 MHP

[PROPOSED] ORDER GRANTING  
ROCHE'S MOTION FOR  
CERTIFICATION OF  
MEMORANDUM AND ORDER RE:  
CROSS MOTIONS FOR SUMMARY  
JUDGMENT PURSUANT TO 28  
U.S.C. § 1292(b) AND REQUEST  
FOR STAY OF PROCEEDINGS

**[PROPOSED] ORDER**

1 WHEREAS, the Court has considered Defendant and Counterclaimants Roche Molecular  
2 Systems, Inc.; Roche Diagnostics Corporation; and Roche Diagnostics Operations, Inc.  
3 ("Roche's") Motion for Certification of Memorandum and Order Re: Cross Motions for  
4 Summary Judgment Pursuant to 28 U.S.C. § 1292(b) and Request for Stay of Proceedings,  
5 Plaintiff and Counterclaim Defendant The Board of Trustees of the Leland Stanford Junior  
6 University, Counterclaim Defendants Thomas Merigan and Mark Holodniy's ("Stanford")  
7 opposition thereto, argument of counsel and such other matters as the Court deemed appropriate;  
8

9 AND WHEREAS, the Memorandum and Order Re: Cross-Motions for Summary  
10 Judgment (Docket No. 139) raises controlling questions of law as to which there are substantial  
11 grounds for difference of opinion and an immediate appeal from the order may materially  
12 advance the ultimate termination of the litigation.

13 It is hereby ORDERED that:

14 (1) The Court's Memorandum and Order Re: Cross-Motions for Summary Judgment is  
15 hereby amended to contain the statement that the summary judgment order raises  
16 controlling questions of law as to which there are substantial grounds for difference of  
17 opinion and an immediate appeal from the order may materially advance the ultimate  
18 termination of the litigation pursuant to 28 U.S.C. § 1292(b); and

19 (2) All further proceedings in this action are stayed until further notice.

20 DATED: \_\_\_\_\_  
21

22  
23 \_\_\_\_\_  
24 Honorable Marilyn H. Patel  
25 United States District Judge  
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