

1 COOLEY GODWARD LLP  
 2 STEPHEN C. NEAL (No. 170085) (nealsc@cooley.com)  
 3 RICARDO RODRIGUEZ (No. 173003) (rr@cooley.com)  
 4 MICHELLE S. RHYU (No. 212922) (mrhyu@cooley.com)  
 5 Five Palo Alto Square  
 3000 El Camino Real  
 Palo Alto, CA 94306-2155  
 Tel: (650) 843-5000  
 Fax: (650) 857-0663

6 Attorneys for Plaintiff  
 7 THE BOARD OF TRUSTEES OF THE LELAND STANFORD  
 8 JUNIOR UNIVERSITY and  
 9 Counterclaim Defendant, THOMAS MERIGAN

10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA

12  
 13  
 14 THE BOARD OF TRUSTEES OF THE  
 15 LELAND STANFORD JUNIOR  
 UNIVERSITY,

16 Plaintiff,

17 v.

18 ROCHE MOLECULAR SYSTEMS, ET AL.,

19 Defendants.

20  
 21 ROCHE MOLECULAR SYSTEMS, ET AL.,

22 Counterclaimants,

23 v.

24 THE BOARD OF TRUSTEES OF THE  
 25 LELAND STANFORD JUNIOR  
 26 UNIVERSITY; AND THOMAS MERIGAN,

27 Counterclaim Defendants.

Case No. C 05 04158 MHP

**STIPULATION TO EXTEND TIME  
 FOR COUNTERCLAIM  
 DEFENDANT MERIGAN TO  
 RESPOND TO DEFENDANTS'  
 COUNTERCLAIMS AND  
 [PROPOSED] ORDER**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**WHEREAS**, Defendants Roche Molecular Systems, Inc., Roche Diagnostics Corporation, and Roche Diagnostics Operations, Inc. (“Roche”) and Plaintiff Board of Trustees of The Leland Stanford Junior University (“Stanford”) agreed and stipulated on November 2, 2005 to extend the time for (1) Roche to respond to Stanford’s Complaint from November 3, 2005 until November 17, 2005 and (2) Stanford to respond to Roche’s response from December 7, 2005 until December 21, 2005;

**WHEREAS**, Roche asserted counterclaims against Stanford and Thomas Merigan (“Merigan”) in its Answer and Counterclaims filed on November 17, 2005;

**WHEREAS**, Merigan was not a part of the previous stipulation to extend time;

**WHEREAS**, Roche, Stanford and Merigan have agreed to extend Merigan’s time to respond to Roche’s Answer and Counterclaims from December 7, 2005 until December 21, 2005, so that as the deadline for Merigan’s response coincides with that for Stanford’s response;

**THEREFORE**, pursuant to Civil L.R. 6-1, Roche, Stanford and Merigan, by and through their respective counsel, hereby stipulate and agree that Merigan’s last day on which to respond to Roche’s Answer and Complaint is December 21, 2005.

**EXECUTED** this 30th day of November, 2005.

**STIPULATED AND AGREED:**

Dated: November 30, 2005

COOLEY GODWARD LLP  
STEPHEN C. NEAL  
RICARDO RODRIGUEZ  
MICHELLE S. RHYU

/s/  
Michelle Rhyu  
Attorneys for Plaintiff The Board of Trustees of  
the Leland Stanford Junior University and  
Counterclaim Defendant Thomas Merigan

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Dated: November 30, 2005

QUINN EMANUEL URQUHART OLIVER &  
HEDGES, LLP  
ADRIAN M. PRUETZ  
JEFFREY N. BOOZELL  
ROBERT W. STONE

/s/  
\_\_\_\_\_  
Jeffrey N. Boozell  
Attorneys for Defendants Roche Molecular  
Systems, Inc.; Roche Diagnostics Corporation; and  
Roche Diagnostics Operations, Inc.

*Filer's Attestation: Pursuant to General Order No.  
45, Section X(B) regarding signatures, Michelle S.  
Rhyu hereby attests that concurrence in the filing  
of the document has been obtained*

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: \_\_\_\_\_

\_\_\_\_\_  
United States District Court Judge Marilyn Hall Patel