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

13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA

15 THE BOARD OF TRUSTEES OF THE LELAND
 16 STANFORD JUNIOR UNIVERSITY,

17 Plaintiff,

18 vs.

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

21 Defendants.

22 ROCHE MOLECULAR SYSTEMS, INC. ROCHE
 23 DIAGNOSTICS CORPORATION; ROCHE
 DIAGNOSTICS OPERATIONS, INC.,

24 Counterclaimants,

25 vs.

26 THE BOARD OF TRUSTEES OF THE LELAND
 27 STANFORD JUNIOR UNIVERSITY; AND
 THOMAS MERIGAN.

28 Counterclaim Defendants.

CASE NO. C-05-04158 MHP

[PROPOSED] ORDER AND
 STIPULATION RE: EXTENSION OF
 BRIEFING SCHEDULE AND TIME
 TO COMPLETE DEPOSITION
 DISCOVERY

1 WHEREAS, the Court has suggested that the parties stipulate to extend the discovery
2 cutoff and briefing schedule for 30 days beyond the dates set forth in the Stipulation filed on
3 August 24, 2006; and

4 WHEREAS, the parties agree to extend the discovery cutoff as recommended provided
5 that absent agreement of the parties there shall be no further extensions requested or granted;

6 THE PARTIES HEREBY STIPULATE AS FOLLOWS:

7 1. The deadline for completion of deposition discovery shall be extended from
8 September 14, 2006 to October 13, 2006.

9 2. During the extension provided for by this stipulation, the parties may complete
10 deposition discovery that is currently outstanding. Additional depositions shall not be noticed or
11 scheduled as a result of this stipulation absent agreement of the parties or order of the Court.

12 3. No party shall be deemed to have waived, as a result of this stipulation, any of its
13 objections to currently noticed depositions, including objections based on the appropriateness of
14 those depositions or the timeliness of the service of the notices of deposition and/or subpoenas.

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1 The schedule for submitting briefs and for the hearing on the Motions for Summary Judgment
2 relating to the first phase of this case shall be amended as follows:

3 Identification of Topics for Summary Judgment	October 20, 2006
4 Opening Summary Judgment Briefs	October 27, 2006
5 Responsive Briefs	November 15, 2006
6 Hearing	December 4, 2006

9 Dated: September 14, 2006

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

12 /S/

13 _____
Michelle S. Rhyu
Attorneys for Plaintiff and Counterclaim
Defendant The Board of Trustees of the Leland
Stanford Junior University and Counterclaim
Defendant Thomas Merigan

16 Dated: September 15, 2006

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

19 /S/

20 _____
Robert W. Stone
Attorneys for Defendants and Counterclaim
Plaintiff Roche Molecular Systems, Inc.; Roche
Diagnostics Corporation; and Roche Diagnostics
Operations, Inc.

24 **ORDER**

25 **IT IS SO ORDERED.**

26 Dated: _____

27 HONORABLE MARILYN HALL PATEL
United States District Court Judge

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Attestation of E-Filed Signature

I, Robert W. Stone, am the ECF user whose ID and password are being used to file a **Stipulation Re: Extension of Briefing Schedule and Time to Complete Deposition Discovery**. In compliance with General Order 45, X.B., I hereby attest that Michelle Rhyu has concurred in the filing.

DATED: September 15, 2006

QUINN EMANUEL URQUHART OLIVER &
HEDGES, LLP

By _____ /S/ _____
Robert W. Stone
Attorneys for Defendants and Counterclaimants
Roche Molecular Systems, Inc.; Roche Diagnostics
Corporation; and Roche Diagnostics
Operations, Inc.