

1 Kevin M. Flowers (admitted *pro hac vice*)
 Email: kflowers@marshallip.com
 2 John R. Labbé (admitted *pro hac vice*)
 Email: jlabbe@marshallip.com
 3 Mark H. Izraelewicz (admitted *pro hac vice*)
 Email: mizraelewicz@marshallip.com
 4 Cullen N. Pendleton (admitted *pro hac vice*)
 Email: cpendleton@marshallip.com
 5 Amanda K. Antons (admitted *pro hac vice*)
 Email: aantons@marshallip.com
 6 MARSHALL, GERSTEIN & BORUN LLP
 7 233 South Wacker Drive
 8 6300 Willis Tower
 Chicago, Illinois 60606-6357
 9 Telephone: (312) 474-6300
 Facsimile: (312) 474-0448
 10

11 Gina A. Bibby
 Email: gbibby@foley.com
 12 FOLEY & LARDNER LLP
 975 Page Mill Road
 13 Palo Alto, CA 94304
 Telephone: (650) 856-3700
 14 Facsimile: (650) 856-3710

15 Attorneys for Plaintiffs
 16 ILLUMINA, INC. and SOLEXA, INC.

Michael J. Malecek (State Bar No. 171034)
 Email: michael.malecek@kayescholer.com
 Sean Boyle (State Bar No. 238128)
 Email: sean.boyle@kayescholer.com
 Marisa Williams (State Bar No. 264907)
 Email: marisa.armanino@kayescholer.com
 KAYE SCHOLER LLP
 Two Palo Alto Square, Suite 400
 3000 El Camino Real
 Palo Alto, California 94306-2112
 Telephone: (650) 319-4500
 Facsimile: (650) 319-4700

Attorneys for Defendant and Counterclaimant
 COMPLETE GENOMICS, INC.

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 18 **UNITED STATES DISTRICT COURT**
 19 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

20 ILLUMINA, INC., and)
 SOLEXA, INC.,)
 21 Plaintiffs,)
 22 v.)
 23 COMPLETE GENOMICS, INC.,)
 24 Defendant.)
 25)
 26 _____)

Case No. 3:10-cv-05542 EDL
**STIPULATION AND ~~PROPOSED~~
 ORDER TO VACATE SCHEDULING
 ORDER**

1 Plaintiffs Illumina, Inc. and Solexa, Inc. (collectively, “Illumina”) and Defendant
2 Complete Genomics, Inc. (“CGI”) agree to the following Stipulation and respectfully request that
3 the Court enter an Order as follows:

4 WHEREAS on September 14, 2012, the Court issued an Order extending discovery and
5 motion deadlines to allow the parties to avoid unnecessary discovery while CGI’s Motion for
6 Summary Judgment of Invalidity was pending (Dkt. No. 196);

7 WHEREAS the Court’s September 14, 2012 scheduling order set the close of fact discovery
8 on November 9, 2012, the close of expert discovery on March 22, 2013, and the last date to file
9 dispositive motions on April 16, 2013;

10 WHEREAS on October 16, 2012, the Court granted CGI’s Motion for Partial Summary
11 Judgment of Invalidity of Claims 1, 9, 10, and 14-19 of the ‘597 Patent (Dkt. No. 197);

12 WHEREAS since the entry of the Court’s October 16, 2012 summary judgment order, the
13 parties have been focused on discussing their procedural options for the remaining claims in the
14 litigation;

15 WHEREAS the parties have agreed to cancel all scheduled depositions while the parties
16 discuss their procedural options for the remaining claims in the litigation;

17 WHEREAS there has been a modification to the Court’s May 16, 2011 Case Management
18 Scheduling Order to extend the deadline for claim construction disclosures and briefing (Dkt. No.
19 80) (the Court also postponed the Initial Case Management Conference from March 18, 2011 to
20 April 1, 2011 by stipulation (Dkt. No. 52), from April 1, 2011 to April 8, 2011 by stipulation (Dkt.
21 No. 54), and from April 8, 2011 to May 3, 2011 due to the transfer of the case from Judge Breyer
22 to Magistrate Judge Laporte (Dkt. No. 68); postponed the deadline for conducting mediation from
23 August 15, 2011 to September 23, 2011 by stipulation (Dkt. No. 83); and extended the deadline to
24 amend pleadings from January 15, 2012 to January 27, 2012 by stipulation (Dkt. No. 112)); on
25 February 29, 2012, the Court entered a stipulated Order setting fact discovery close on June 22,
26 2012, expert discovery close on November 21, 2012, deadline for dispositive motions on January
27 14, 2013, and trial on May 13, 2013 (Dkt. No. 126); on May 30, 2012, the Court entered a
28

1 stipulated Order resetting the fact discovery, expert discovery, dispositive motion, and trial
2 deadlines to September 14, 2012, February 15, 2013, March 29, 2013, and August 19, 2013,
3 respectively (Dkt. No. 141); on June 18, 2012, the Court entered a stipulated Order resetting the
4 hearing for CGI's Motion for Summary Judgment of Invalidity from July 10, 2012 to July 31, 2012
5 (Dkt. No. 149) and on June 28, 2012, the Court granted Illumina's Motion to Extend Briefing
6 Schedule and reset the hearing for CGI's Motion for Summary Judgment on September 4, 2012
7 (Dkt. No. 162); on August 23, 2012, the Court entered a stipulated Order resetting fact discovery
8 close on September 28, 2012, expert discovery close on March 8, 2013, and dispositive motions
9 deadlines on March 29, 2013 (Dkt. No. 187); and on September 14, 2012, the Court issued an
10 Order setting the close of fact discovery on November 9, 2012, close of expert discovery on March
11 22, 2013, and the dispositive motions deadline on April 16, 2013 (Dkt. No. 196).

12 IT IS HEREBY STIPULATED AND AGREED, subject to the approval of the Court, that
13 the Court's September 14, 2012 scheduling Order is vacated. The parties will meet and confer to
14 discuss their procedural options for the remaining claims in the litigation. No later than November
15 5, 2012, the parties will submit a joint status report to the Court.

1 Dated: October 29, 2012

2 /s/ John Labbé

3 Kevin M. Flowers (admitted *pro hac vice*)
4 Email: kflowers@marshallip.com
5 John R. Labbé (admitted *pro hac vice*)
6 Email: jlabbe@marshallip.com
7 Mark H. Izraelewicz (admitted *pro hac vice*)
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13 MARSHALL, GERSTEIN & BORUN LLP
14 233 South Wacker Drive
15 6300 Willis Tower
16 Chicago, Illinois 60606-6357
17 Telephone: (312) 474-6300
18 Facsimile: (312) 474-0448

13 Gina A. Bibby
14 Email: gbibby@foley.com
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16 975 Page Mill Road
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18 Telephone: (650) 856-3700
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20 Attorneys for Plaintiffs
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/s/ Marisa Williams

Michael J. Malecek (State Bar No. 171034)
Email: michael.malecek@kayescholer.com
Sean Boyle (State Bar No. 238128)
Email: sean.boyle@kayescholer.com
Marisa Williams (State Bar No. 264907)
Email: marisa.armanino@kayescholer.com
KAYE SCHOLER LLP
Two Palo Alto Square, Suite 400
3000 El Camino Real
Palo Alto, California 94306-2112
Telephone: (650) 319-4500
Facsimile: (650) 319-4700

Attorneys for Defendant and Counterclaimant
COMPLETE GENOMICS, INC.

PURSUANT TO STIPULATION, IT IS SO ORDERED, this 30th day of October, 2012.


Honorable Elizabeth D. Laporte
United States Magistrate Judge