

1
2
3 IN THE UNITED STATES DISTRICT COURT
4 FOR THE NORTHERN DISTRICT OF CALIFORNIA
5

6 ILLUMINA INC,

No. C -10-05542(EDL)

7 Plaintiff,

ORDER

8 v.

9 COMPLETE GENOMICS INC,

10 Defendant.
_____ /

11
12 The Court held a hearing on February 20, 2013 on CGI's motion for summary
13 judgment on claims 2, 4, and 5 of the '597 patent and Illumina's 56(d) request. At the hearing the
14 Court urged the parties to meet and confer regarding a supplemental declaration from CGI that could
15 clarify some of the issues raised by Illumina. CGI did not meet and confer with Illumina before
16 filing a supplemental declaration. CGI was understandably trying to file the supplemental
17 declaration promptly. However, the Court further suggested at the hearing that the declaration also
18 clarify whether any documents confirmed the statement in the supplemental declaration that "[a]t no
19 time had CGI made, stored, or used a set of fifty or more oligonucleotide probes with annealing
20 temperatures whose maximum and minimum values differ from each other by no more than 1 ° C" or
21 whether CGI's documents were silent on that topic. See Docket No. 237, ¶ 10. Therefore, the Court
22 would like CGI to file a further supplemental declaration by March 5, 2013, to clarify whether such
23 corroborating documents exist, unless it would be unduly burdensome, in which case CGI should
24 file a letter explaining why that is so.

25 IT IS SO ORDERED.

26 Dated: February 22, 2013

Elizabeth D. Laporte

ELIZABETH D. LAPORTE

United States Chief Magistrate Judge