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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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8 VERINATA HEALTH, INC., et al.,

No. C 12-00865 SI

9 Plaintiffs,

**ORDER RE: ADMINISTRATIVE
MOTION TO FILE MULTIPLE
SUMMARY JUDGMENT MOTIONS**

10 v.

11 SEQUENOM, INC., et al.,

12 Defendants.
13 _____/

14 Now before the Court is Sequenom's motion for leave to file multiple summary judgement
15 motions, submitted on September 19, 2014. Docket No. 244. On September 22, 2014, Verinata filed an
16 opposition. Docket No. 245. On September 23, 2014, CUHK filed a statement of non-opposition.
17 Docket. No. 246.
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19 **BACKGROUND**

20 This is a patent infringement action. Verinata Health, Inc. and the Board of Trustees of the
21 Leland Stanford Junior University (collectively "Verinata") accuse defendants Sequenom, Inc. and
22 Sequenom Center for Molecular Medicine, LLC (collectively "Sequenom") of infringing U.S. Patent
23 No. 7,888,017 ("the '017 patent"), U.S. Patent No. 8,008,018 ("the '018 patent"), and U.S. Patent No.
24 8,195,415 ("the '415 patent"). Docket No. 186, First Supp. Compl. ¶¶ 54-83. In addition, plaintiffs
25 allege claims against CUHK pursuant to 35 U.S.C. § 146, seeking review and reversal of the Board of
26 Patent Appeals and Interferences's decisions and judgments in Interference Nos. 105,920, 105,923, and
27 105,924, which held that the claims of the '018 patent lack a sufficient written description as required
28 by 35 U.S.C. § 112(a). *Id.* ¶¶ 2, 32, 43, 52, 84-101.

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DISCUSSION

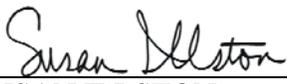
In its motion, Sequenom seeks leave from the Court to file two summary judgement motions, separately addressing issues raised by (1) the '415 patent, and (2) the '017 and '018 patents. It further requests that CUHK be permitted to file its own motion for summary judgment to address the adequacy of the '018 patent's written description. Verinata opposes the motion, and urges the Court to require Sequenom and CUHK to file coordinated motions for summary judgment.

The Court finds that the scope of the issues to be addressed by CUHK and Sequenom are sufficiently distinct so as to necessitate that they each be allowed to submit separate motions for summary judgment. However, the Court does not find that Sequenom has articulated exigencies that require granting it leave to file multiple motions for summary judgement. Accordingly, in the interest of fairness and judicial efficiency, the Court rules as follows:

The parties – Sequenom, CUHK, and Verinata – shall each submit a single motion for summary judgment. This order resolves Docket No. 244.

IT IS SO ORDERED.

Dated: September 25, 2014



SUSAN ILLSTON
United States District Judge