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11 Attorneys for Defendant
 12 ROCHE MOLECULAR SYSTEMS, INC.

13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 SAN FRANCISCO DIVISION

17 CEPHEID,
 18 Plaintiff,
 19 v.
 20 ROCHE MOLECULAR SYSTEMS, INC.
 21 and F. HOFFMANN-LA ROCHE LTD.,
 22 Defendants.

Case No. CV12-04411 (EMC)

**STIPULATION AND [PROPOSED]
 ORDER RE: SECOND FURTHER
 EXTENSION OF DEADLINE FOR
 DEFENDANT ROCHE MOLECULAR
 SYSTEMS, INC. TO ANSWER OR
 OTHERWISE RESPOND TO FIRST
 AMENDED COMPLAINT [FRCP
 15(A); C.L.R. 6-1(B); 6-2(A)]**

24 Pursuant to Civil Local Rule 6-1 and 6-2 and Rule 15(a)(3) of the Federal Rules of Civil
 25 Procedure (FRCP), this Stipulation and [Proposed] Order is entered into by and between Plaintiff
 26 Cepheid and Defendant Roche Molecular Systems, Inc. (“Roche Molecular”) by and through
 27 their respective counsel.

1 WHEREAS Cepheid filed its initial Complaint for Declaratory Judgment (“Complaint”)
2 on August 21, 2012;

3 WHEREAS Cepheid filed its First Amended Complaint for Declaratory Judgment
4 (“Amended Complaint”) on September 14, 2012, prior to the due date for Roche Molecular to
5 answer or otherwise respond to the Complaint;

6 WHEREAS counsel for Roche Molecular requested, and counsel for Cepheid agreed, to
7 extend the time for Roche Molecular to answer or otherwise respond to the First Amended
8 Complaint to and including November 2, 2012;

9 WHEREAS the Parties submitted a Stipulation and Proposed Order re: Extension of
10 Deadline for Defendant Roche Molecular Systems, Inc. to Answer or Otherwise Response to First
11 Amended Complaint [Dkt. 8] on September 21, 2012, which the Court entered as an Order dated
12 September 24, 2012;

13 WHEREAS lead counsel for Defendant Roche Molecular, Stephen Rabinowitz, and
14 Randy Eisensmith of Fried, Frank, Harris, Shriver & Jacobson LLP, requested a further extension
15 of time for Roche Molecular to answer or otherwise respond to the First Amended Complaint due
16 to the prolonged disruption of power and closure of their New York City office in view of
17 Hurricane Sandy, and counsel for Cepheid agreed to extend such time to November 9, 2012;

18 WHEREAS the Parties entered into a Stipulation and Proposed Order re: Further
19 Extension of Deadline for Defendant Roche Molecular Systems, Inc. to Answer or Otherwise
20 Response to First Amended Complaint [Dkt. 14] on October 31, 2012, requesting that the Court
21 set November 9, 2012 as the deadline for Roche Molecular’s responsive pleading, and the Court
22 issued an Order approving that request on November 1, 2012 (the “November 1, 2012 Order”)
23 [Dkt. 15];

24 WHEREAS subsequent to the issuance of the November 1, 2012 Order, Mr. Rabinowitz
25 contacted counsel for Cepheid and requested a further extension of the responsive pleading
26 deadline until November 16, 2012, in view of the continued and prolonged closure of Fried
27 Frank’s offices due to storm damage and the general disruption of basic services in the
28

1 surrounding area (*see* Declaration of Stephen S. Rabinowitz, *filed herewith*), and counsel for
2 Cepheid graciously agreed to this second further request for extension; and

3 WHEREAS this second further stipulation to extend the time for Roche Molecular to
4 answer or otherwise respond to the First Amended Complaint will not alter the date of any event
5 or any deadline already fixed by Court order, other than the November 9, 2012 deadline set forth
6 in the November 1, 2012 Order, and this stipulation and the Declaration of Stephen S. Rabinowitz
7 filed herewith is therefore in accordance with Civil Local Rule 6-1(b) and 6-2;

8 NOW, THEREFORE, the Parties hereby stipulate and agree as follows:

9 The deadline for Roche Molecular to answer or otherwise respond to the First Amended
10 Complaint is extended to and including November 16, 2012.

11 **IT IS SO STIPULATED.**

12
13 Dated: November 6, 2012

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP

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/s/ Erik R. Puknys

Erik R. Puknys (SBN 190926)
Attorneys for Plaintiff
CEPHEID

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18 Dated: November 6, 2012

COOLEY LLP

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/s/ Mark F. Lambert

Mark F. Lambert (SBN 197410)
Attorneys for Defendant
ROCHE MOLECULAR SYSTEMS, INC.

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~~[PROPOSED]~~ ORDER

Pursuant to the stipulation of the parties and good cause appearing therefore;

IT IS SO ORDERED.

Dated: 11/7/12

