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12 Attorneys for Plaintiff Cepheid

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

18 CEPHEID,
 19 Plaintiffs,
 20 v.
 21 ROCHE MOLECULAR SYSTEMS, INC. and
 F. HOFFMANN-LA ROCHE LTD.,
 22 Defendants.
 23

CASE NO. 3:12-CV-04411-EMC
**JOINT NOTICE REGARDING
 STATUS OF CASE AND REQUEST TO
 CONTINUE CASE MANAGEMENT
 CONFERENCE ; ORDER RESETTING
 CMC**

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1 Plaintiff Cepheid filed this declaratory judgment action on August 21, 2012, seeking,
2 *inter alia*, a declaration that the claims of U.S. Patent Nos. 5,804,375 (“the ’375 patent”) and
3 6,127,155 (“the ’155 patent”) are invalid and that Cepheid has not infringed any valid or
4 enforceable claim of the patents. Defendant Roche Molecular Systems, Inc. moved to stay
5 Counts I and II related to the ’375 patents pending final resolution of a Swiss arbitration between
6 the parties, and moved to dismiss Counts III and IV related to the ’155 patent for lack of case or
7 controversy.

8 On January 17, 2013, the Court issued its Order Granting Defendant’s Motion to Stay and
9 Motion to Dismiss (“Order”). Dkt. No. 68. The Court stayed Counts I and II until further order
10 of this Court, directing the parties to update the Court within 30 days of the issuance of the
11 Arbitral Tribunal’s decision on the issue of jurisdiction. The Court also dismissed Counts III and
12 IV without prejudice.

13 On the same day, the Court also issued its Order Granting Roche Molecular Systems,
14 Inc.’s Administrative Motion to Further Continue Hearing Date for Initial Case Management
15 Conference and Extend Associated Deadlines. Dkt. No. 69. The Court reset the Initial Case
16 Management Conference from January 31, 2013 to March 14, 2013.

17 Because nothing new of substance has happened in either this case or the pending
18 arbitration since the Court’s Order, the parties believe that the Initial Case Management
19 Conference, currently scheduled for March 14, 2013 is not necessary at this time. The parties
20 respectfully suggest that the Court schedule a Case Management Conference after the parties
21 notify the Court of the Arbitral Tribunal’s decision on jurisdiction or of any other event that may
22 affect the case.

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24 By his signature below, Counsel for Plaintiff certifies that Counsel for Defendants concur
25 in the filing of this notice.
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1 Dated: March 5, 2013

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP

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3 /s/ Erik R. Puknys
Erik R. Puknys

4 Attorney for Plaintiff Cepheid

5
6 WILMER CUTLER PICKERING HALE AND
DORR LLP

7
8 /s/ Robert J. Gunther, Jr.
Robert J. Gunther, Jr.

9 Attorney for Defendant F. Hoffmann-La Roche Ltd.

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11 COOLEY LLP

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13 /s/ Mark F. Lambert
Mark F. Lambert

14 Attorney for Defendant Roche Molecular Systems,
15 Inc.

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17 IT IS SO ORDERED that the CMC is reset from 3/14/13 to 6/20/13 at 9:00 a.m. A Joint CMC
18 Statement shall be filed by 6/13/13.

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Edward M. Chen
U.S. District Judge

