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13 Attorneys for Defendant
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 15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA
 17 SAN FRANCISCO DIVISION
 18

19 CEPHEID,
 20 Plaintiff,
 21 v.
 22 ROCHE MOLECULAR SYSTEMS, INC.
 and F. HOFFMANN-LA ROCHE LTD.,
 23 Defendants.
 24

Case No. 3:12-cv-04411 (EMC)
**STIPULATION AND [PROPOSED]
 ORDER TO CONTINUE INITIAL
 CASE MANAGEMENT
 CONFERENCE AND EXTEND
 ASSOCIATED DEADLINES**

25 Pursuant to Civil Local Rules 6-1, 6-2, and 7-12, this Stipulation and [Proposed] Order is
 26 entered into by and between Plaintiff Cepheid, Defendant Roche Molecular Systems, Inc., and
 27 Defendant F. Hoffmann-La Roche Ltd. by and through their respective counsel.
 28

1 WHEREAS Plaintiff Cepheid filed this declaratory judgment action on August 21, 2012,
2 seeking, *inter alia*, a declaration that the claims of U.S. Patent Nos. 5,804,375 (“the ’375 patent”)
3 and 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 Counts
5 I and II related to the ’375 patent pending final resolution of a Swiss arbitration between the
6 parties, and moved to dismiss Counts III and IV related to the ’155 patent for lack of case or
7 controversy.

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

13 WHEREAS on the same day, the Court also issued its Order Granting Roche Molecular
14 Systems, Inc.’s Administrative Motion to Further Continue Hearing Date for Initial Case
15 Management Conference and Extend Associated Deadlines. ECF No. 69. The Court reset the
16 Initial Case Management Conference from January 31, 2013 to March 14, 2013. On March 5,
17 2013, the parties filed a joint notice apprising the Court that nothing new of substance had
18 occurred in either this case or the pending arbitration since the Court’s Stay and Dismissal Order
19 and suggested that the Court consider rescheduling the Initial Case Management Conference.
20 ECF No. 72. Based on the parties’ joint notice, the Court reset the Initial Case Management
21 Conference to June 20, 2013 and ordered the parties to file a Joint CMC Statement by June 13,
22 2013. ECF No. 73.

23 WHEREAS the Arbitral Tribunal has not yet issued its decision on jurisdiction as of the
24 filing of this Stipulation and Proposed Order;

25 WHEREAS the parties respectfully request that the Court continue the Case Management
26 Conference until after the parties have notified the Court of the Arbitral Tribunal’s decision on
27 jurisdiction in accordance with the Stay and Dismissal Order. (*See* Declaration of Mark F.
28 Lambert in Support of Stipulation and [Proposed] Order to Continue Initial Case Management

1 Conference and Extend Associated Deadlines, filed herewith.)

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

3 That the Initial Case Management Conference currently scheduled for June 20, 2013 be
4 continued until after the Parties have notified the Court of the Arbitral Tribunal's decision on
5 jurisdiction; and

6 That the date for the parties' filing of the Joint CMC Statement be set in accordance with
7 the Initial Case Management Conference.

8 **IT IS SO STIPULATED.**

9 Dated: June 6, 2013

COOLEY LLP

10 /s/ Mark F. Lambert

11 Mark F. Lambert
12 Attorneys for Defendant
13 ROCHE MOLECULAR SYSTEMS, INC.

14 Dated: June 6, 2013

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP

16 /s/ Erik R. Puknys

17 Erik R. Puknys
18 Attorneys for Plaintiff
19 CEPHEID

20 Dated: June 6, 2013

WILMER CUTLER PICKERING HALE AND
DORR LLP

22 /s/ Robert J. Gunther, Jr.

23 Robert J. Gunther, Jr.
24 Attorneys for Defendant
25 F. HOFFMANN-LA ROCHE LTD.

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FILER'S ATTESTATION PURSUANT TO L.R. 5-1(i)(3)

I, Mark F. Lambert, attest that concurrence in the filing of this STIPULATION AND [PROPOSED] ORDER TO CONTINUE INTIAL CASE MANAGEMENT CONFERENCE AND EXTEND ASSOCIATED DEADLINES has been obtained from each of the signatories hereto.

Executed this 6th day of June, 2013, at Palo Alto, California.

/s/ Mark F. Lambert

Mark F. Lambert

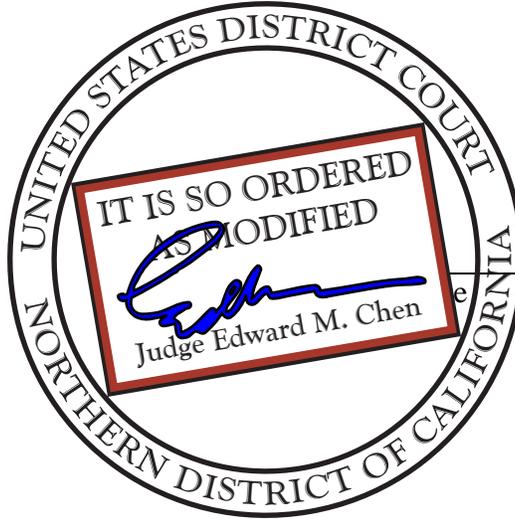
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[PROPOSED] ORDER

Pursuant to the stipulation of the parties and good cause appearing therefore; The CMC is reset for 10/10/13 at 9:00 a.m. A joint CMC Statement shall be filed by 10/7/13.

IT IS SO ORDERED.

Dated: 6/7/13



1138322 /HN