

1 Plaintiff Cepheid filed this declaratory judgment action on August 21, 2012, seeking, *inter*
2 *alia*, a declaration that the claims of U.S. Patent Nos. 5,804,375 (“the ’375 patent”) and 6,127,155
3 (“the ’155 patent”) are not infringed, are invalid, and are otherwise unenforceable. Defendant Roche
4 Molecular Systems, Inc. moved to stay Counts I and II related to the ’375 patents pending final
5 resolution of a Swiss arbitration between the parties and moved to dismiss Counts III and IV related
6 to the ’155 patent for lack of subject matter jurisdiction. On January 17, 2013, the Court issued its
7 Order Granting Defendant’s Motion to Stay and Motion to Dismiss (“Order”). ECF No. 68. The
8 Court stayed Counts I and II until further order of this Court and dismissed Counts III and IV for
9 lack of subject matter jurisdiction. With respect to Counts I and II, the Court directed the parties to
10 “update this Court within 30 days of the issuance of the Arbitral Tribunal’s decision on the issue of
11 jurisdiction.” *Id.* at 8.

12 Pursuant to the Order, the parties notified the Court that on August 1, 2013, the International
13 Chamber of Commerce (ICC) International Court of Arbitration issued a letter notifying the parties
14 that the Arbitral Tribunal had rendered a Partial Award on arbitral jurisdiction, dated July 30, 2013.
15 ECF No. 77. The Partial Award included an order concerning jurisdiction, in which the Arbitral
16 Tribunal concluded that it has jurisdiction to decide on the relief sought by the claimants (i.e., Roche
17 Molecular Systems, Inc. and F. Hoffmann-La Roche Ltd.). Cepheid has appealed the Arbitral
18 Tribunal’s jurisdictional decision. *Id.*

19 In light of the circumstances, the parties do not believe it is appropriate to lift the Court’s stay
20 at this time. Cepheid will contact the Court if it believes that a lift of the stay is appropriate.

21 Accordingly, the parties respectfully request that the Initial Case Management Conference,
22 currently scheduled for March 3, 2014, be continued until November 10, 2014, or any other date that
23 the Court deems appropriate. The parties will contact the Court before then if anything of substance
24 occurs in the arbitration that may affect the status of this case.

25 By his signature below, Counsel for Plaintiff certifies that Counsel for Defendants concur in
26 the filing of this notice.

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Dated: February 24, 2014

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~~[PROPOSED]~~ ORDER

Pursuant to the stipulation of the parties and good cause appearing therefore;
The 3/6/14 CMC is reset for 11/13/14 at 9:00 a.m. A joint CMC Statement shall be filed by 11/6/14.

IT IS SO ORDERED.

Dated: _____

