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Attorneys for Plaintiff  
ASTERIAS BIOTHERAPEUTICS, INC.

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

ASTERIAS BIOTHERAPEUTICS, INC., )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 VIACYTE, INC., )  
 )  
 Defendant. )

Case No. 12-cv-04813-WHO

**STIPULATED REQUEST FOR ORDER  
ENLARGING TIME PURSUANT TO  
CIVIL L.R. 6-2; ORDER**

1           WHEREAS, on September 13, 2012, Geron Corporation (“Geron”) filed the complaint in  
2 this action against Defendant ViaCyte, Inc. (“ViaCyte” or “Defendant”) pursuant to 35 U.S.C.  
3 §146 (D.I. 1);

4           WHEREAS, on January 3, 2013, a Case Management Conference was held in this case  
5 before Judge Edward M. Chen. The Court ordered that ViaCyte was to file a motion to define the  
6 scope of the case and discovery by February 21, 2013, that Plaintiff Geron was to file its opposition  
7 by March 7, 2013, that ViaCyte was to file its reply by March 14, 2013, and that a hearing on the  
8 preceding motion and a further Case Management Conference be set for April 4, 2013 (D.I. 31);

9           WHEREAS, prior to reassignment of this case to the undersigned, counsel met, conferred,  
10 and agreed that dates for mediation, Motion to Define Scope of Case and Discovery, Opposition to  
11 the Motion to Define the Scope, Reply to the Motion to Define the Scope, and the Case  
12 Management Conference be extended until the earlier of (a) 30 days after the close of the  
13 Transaction by which Geron divested its stem cell assets to current Plaintiff Asterias or (b) 31  
14 days after September 30, 2013, as follows:

<b>Event</b>	<b>Dates</b>
Motion to Define Scope	October 31, 2013
Opposition to Motion to Define Scope	November 14, 2013
Reply to Motion to Define Scope	November 21, 2013
Case Management Conference	December 5, 2013
Mediation Completion (ADR L.R. 6-3)	February 28, 2014

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22           WHEREAS, the parties jointly filed a Stipulated Request for Enlarging Time Pursuant to  
23 Civ. L.R. 6-2 (D.I. 32) on January 16, 2013, and Judge Edward M. Chen granted said request on  
24 January 25, 2013 (D.I. 33);

25  
26           WHEREAS, the present case was reassigned to the Honorable William H. Orrick on June  
27 27, 2013;

28

1           WHEREAS, the Reassignment Order and Order Requiring Submission of Case  
2 Management Statement dated June 27, 2013 vacated the above previously granted dates with the  
3 exception of the Mediation Completion date of February 28, 2014;

4           WHEREAS, counsel for then Plaintiff Geron and ViaCyte met, conferred and agreed that  
5 the previously ordered dates by Judge Chen for mediation, filing the Motion to Define Scope of  
6 Case and Discovery, Opposition to the Motion to Define Scope, and Reply to the Motion to  
7 Define Scope, be maintained. The parties proposed an additional date of December 11, 2013 to  
8 hear the Motion to Define Scope, and proposed resetting the date for the Case Management  
9 Conference to January 7, 2013;

10           WHEREAS, the parties jointly filed a Stipulated Request for Order Enlarging Time  
11 Pursuant to Civil L.R. 6-2 on August 5, 2013 (D.I. 37);

12           WHEREAS, the Court granted the parties' Stipulated Request for Order Enlarging Time  
13 Pursuant to Civil L.R. 6-2 on August 6, 2013 (D.I. 38), and applied the following dates:

Event	Dates
Motion to Define Scope	October 31, 2013
Opposition to Motion to Define Scope	November 14, 2013
Reply to Motion to Define Scope	November 21, 2013
Hearing for Motion to Define Scope	December 11, 2013
Case Management Conference	January 7, 2014
Mediation Completion (ADR L.R. 6-3)	February 28, 2014

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22           WHEREAS, Counsel further agreed that all discovery should be stayed until ordered by  
23 the Court after the next Case Management Conference;

24           WHEREAS, on October 1, 2013, Asterias Biotherapeutics, Inc. ("Asterias") was  
25 substituted in as Plaintiff in place of Geron pursuant to Fed. R. Civ. P. 25(c) (D.I. 40);

26           WHEREAS, on October 31, 2013, ViaCyte filed its Motion to Define Scope of Case and  
27 Discovery (D.I. 48);  
28

1           WHEREAS, on November 14, 2013, Asterias filed its Opposition to Motion to Define  
2 Scope of Case and Discovery (D.I. 49);

3           WHEREAS, on November 21, 2013, ViaCyte filed its Reply to the Asterias Opposition to  
4 Motion to Define Scope of Case and Discovery (D.I. 50);

5           WHEREAS, on November 26, 2013, Counsel for Plaintiff Asterias and Defendant ViaCyte  
6 conferred and agreed to hold the mediation in this matter on Tuesday, February 25, 2014, so that  
7 they could have the benefit of receiving this Court’s Order on the Motion to Define Scope of Case  
8 and Discovery in advance of the mediation. The parties proposed to reset the date for the Case  
9 Management Conference for after the mediation — to Tuesday, March 18, 2014 — in order to  
10 better inform the Court of the status of the case.

11           WHEREAS, on December 5, 2013, Counsel for Plaintiff Asterias and Defendant ViaCyte  
12 jointly filed a Stipulated Request for Order Enlarging Time Pursuant to Civil L.R. 6-2 (D.I. 51);

13           WHEREAS, the Court granted the parties’ Stipulated Request for Order Enlarging Time  
14 Pursuant to Civil L.R. 6-2 on December 6, 2013 (D.I. 52), and applied the following dates:

Event	Dates
Hearing for Motion to Define Scope	December 11, 2013
Mediation Completion (ADR L.R. 6-3)	February 28, 2014
Case Management Conference	March 18, 2014

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20           WHEREAS, the principals for Plaintiff Asterias and Defendant ViaCyte are currently  
21 engaged in ongoing potential settlement discussions. The principals met in person on February  
22 11, 2014 to discuss potential resolution, and are continuing to meet in good faith. Consequently,  
23 the parties are proposing to reset the dates for completion of mediation pursuant to ADR L.R. 6-3  
24 and the Case Management Conference so that the parties may have an opportunity to more fully  
25 explore the ongoing efforts to resolve the case before mediation and for the Case Management  
26 Conference to be held after the mediation in order to better inform the Court of the status of the  
27 case. Pending this Court’s agreement to a short postponement, counsel for the parties have agreed  
28 to hold the mediation in this matter on Monday, April 21, 2014.

1 Accordingly, the parties respectfully request that the following dates apply:

2

3 Event	Dates
4 Case Management Conference	April 22, 2014
5 Mediation Completion (ADR L.R. 6-3)	April 30, 2014

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7 NOW THEREFORE, IT IS STIPULATED AND AGREED that the date for the Case  
8 Management Conference be reset to April 22, 2014. The following dates would therefore apply:

9

10 Event	Dates
11 Case Management Conference	April 22, 2014
12 Mediation Completion (ADR L.R. 6-3)	April 30, 2014

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14  
15 **SO STIPULATED** this 13th day of February 2014.

16 KAYE SCHOLER LLP

BARTKO, ZANKEL, BUNZEL & MILLER  
ROTHWELL, FIGG, ERNST & MANBECK PC

17 By: /s/ Michael J. Malecek  
18 Michael J. Malecek

By: /s/ Jayne Laiprasert  
Jayne Laiprasert

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20 Attorneys for Plaintiff  
21 ASTERIAS BIOTHERAPEUTICS, INC.

Attorneys for Defendant  
VIACYTE, INC.

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**SIGNATURE ATTESTATION**

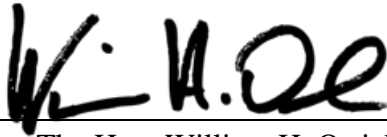
Pursuant to General Order 45.X(b), I hereby attest that concurrence has been obtained from Michael J. Malecek indicated by a “conformed” signature (/s/) within this e-filed document.

/s/ Jayne Laiprasert  
Jayne Laiprasert

**ORDER**

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: February 14, 2014

  
\_\_\_\_\_  
The Hon. William H. Orrick  
Judge of the United States District Court