

United States District Court  
For the Northern District of California

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

BIOTECHNOLOGY VALUE FUND, L.P.,  
BIOTECHNOLOGY VALUE FUND II,  
L.P., INVESTMENT 10, L.L.C., BVF  
INVESTMENTS, L.L.C.; BVF INC., and  
BVF X, LLC,

No. C 13-03248 WHA

Plaintiffs,

**NOTICE RE ORAL ARGUMENT**

v.

CELERA CORPORATION, QUEST  
DIAGNOSTICS INCORPORATED,  
CREDIT SUISSE SECURITIES (USA)  
LLC, KATHY ORDOÑEZ, RICHARD H.  
AYERS, JEAN-LUC BELINGARD,  
WILLIAM G. GREEN, PETER BARTON  
HUTT, GAIL M. NAUGHTON, WAYNE  
I. ROE, and BENNETT M. SHAPIRO,

Defendants.

The Court has noticed that the amended complaint contains the following allegation  
(Amd. Compl. ¶ 111):

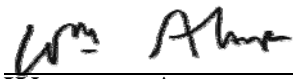
First, the clear disparity between Credit Suisse’s prior probability  
adjustments, which it presented to the Celera Board as recently as  
February 3, 2011, and the substantially lower probability  
adjustments underlying the erroneous analysis that were derived  
from the same Tufts Study — which Credit Suisse presented to the  
Board just over one month later, during its meetings of March 7  
and 17, 2011 — either did alert, or should have alerted, the  
Individual Defendants to Credit Suisse’s stark errors.

This allegation does not appear in plaintiffs’ briefs in opposing defendants’ two motions  
to dismiss. For tomorrow’s hearing, counsel for both sides should be prepared to clarify whether

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this allegation remains operative or not. If possible, the Court would also like to see the “prior probability adjustments” that were presented to Celera’s board of directors on February 3, 2011.

Dated: December 11, 2013.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE