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4 UNITED STATES DISTRICT COURT  
5 NORTHERN DISTRICT OF CALIFORNIA  
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7 ROCHE MOLECULAR SYSTEMS, INC.,

Case No. 14-cv-03228-EDL

8 Plaintiff,

**ORDER LIFTING STAY**

9 v.

Dkt. No. 63

10 CEPHEID,

11 Defendant.

12 The parties filed a Joint Status update on May 18, 2016. Dkt. No. 72. In it, they reported  
13 on the status of the two petitions pending at the PTAB, the first concerning IPR2015-00255 claims  
14 1-3 and 17-20) and the second concerning IPR2015-00881 (concerning claim 21). With regard to  
15 IPR2015-00255, the parties state that PTAB issued a decision not to institute that petition.  
16 Defendant requested a rehearing of that decision, which was denied on September 16, 2015. On  
17 September 17, 2015, the PTAB instituted an Inter Partes Review of claim 21. On January 8, 2016,  
18 Plaintiff filed a statutory disclaimer of claim 21 with the Certificate of Corrections branch of the  
19 PTO. The PTO has not acted on the statutory disclaimer. Plaintiff now states that it will not assert  
20 claim 21 in this action or any future action against Defendant. In light of these facts, the parties  
21 state that they believe the stay in this case should be lifted without waiting for any formal  
22 conclusion to IPR2015-00881.

23 The Court hereby lifts the stay. A further case management conference is set for June 14,  
24 2016. The parties shall file an updated case management statement by June 7, 2016.

25 **IT IS SO ORDERED.**

26 Dated: May 20, 2016

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28 ELIZABETH D. LAPORTE  
United States Magistrate Judge