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11 Attorneys for Defendant and Counterclaimant Cepheid

12  
 13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA  
 15 SAN FRANCISCO DIVISION

17 ROCHE MOLECULAR SYSTEMS, INC.,  
 18 Plaintiff and  
 Counterdefendant,  
 19 v.  
 20 CEPHEID,  
 21 Defendant and  
 22 Counterclaimant.

CASE NO. 3:14-CV-03228-EDL  
**CEPHEID'S NOTICE OF  
 WITHDRAWAL OF  
 ADMINISTRATIVE MOTION TO  
 FILE UNDER SEAL**

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1 Pursuant to Civil Local Rules 7-11 and 79-5, Defendant Cepheid hereby notifies the  
2 Court that it is withdrawing the Administrative Motion to File Under Seal (“Administrative  
3 Motion”) that it submitted on July 19, 2016 (Docket Number (“D.N.”) 81).

4 As Cepheid noted in its Administrative Motion, it sought leave to file under seal  
5 references in its Motion for Summary Judgment of Patent Ineligibility (D.N. 81-4), to a  
6 document that Plaintiff Roche had submitted under seal. Cepheid explained that it thought  
7 there was no need to seal, but filed the motion because Roche declined to agree to disclosure.

8 Civil Local Rule 79-5 required Roche to file a declaration establishing that the  
9 designated material should be sealed within four days of Administrative Motion, or by July 25,  
10 2016. Roche did not file any such declaration. On July 26, 2016, Roche notified Cepheid by  
11 email that it agreed that no portion of Cepheid’s summary judgment motion need be  
12 maintained under seal. A copy of that email is attached to this Notice as Exhibit A.

13 In view of Roche’s notice and failure to file the required declaration, Cepheid requests  
14 that the Court deny Cepheid’s administrative motion.

15 Dated: July 29, 2016

By: /s/ Grant L. Kim

Grant L. Kim

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