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15 QIAGEN GmbH, QIAGEN Gaithersburg, Inc.,
QIAGEN Sciences, LLC, QIAGEN Inc. (USA),
16 QIAGEN Redwood City, Inc., and
Intelligent Bio-Systems, Inc.

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18 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
19 **SAN FRANCISCO DIVISION**

20 ILLUMINA, INC.
21 ILLUMINA CAMBRIDGE LTD.,

22 Plaintiffs,

23 vs.

24 QIAGEN N.V., QIAGEN GmbH,
QIAGEN GAITHERSBURG, INC.,
25 QIAGEN SCIENCES, LLC,
QIAGEN INC. (USA), QIAGEN
26 REDWOOD CITY, INC., and
INTELLIGENT BIO-SYSTEMS, INC.,

27 Defendants.
28

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Attorneys for Plaintiffs Illumina, Inc. and
Illumina Cambridge Ltd.

Case No. 16-cv-02788-WHA

STIPULATION AND ~~PROPOSED~~
ORDER REGARDING PATENT
DISCLOSURES AND CLAIM
CONSTRUCTION

1 WHEREAS, on May 24, 2016, Illumina, Inc. and Illumina Cambridge Ltd. (collectively,
2 “Illumina”) filed its Complaint [Dkt. No. 1] against defendants QIAGEN N.V., QIAGEN GmbH,
3 QIAGEN Gaithersburg, Inc., QIAGEN Sciences, LLC, QIAGEN Inc. (USA), QIAGEN Redwood
4 City, Inc., and Intelligent Bio-Systems, Inc. (collectively, “QIAGEN”) asserting U.S. Patent No.
5 7,566,537 (“the ’537 Patent”);

6 WHEREAS, on November 29, 2016, the Court granted Plaintiffs Illumina Inc., and
7 Illumina Cambridge Ltd.’s (collectively “Illumina”) motion to supplement its complaint to assert
8 claims for infringement of U.S. Patent No. 9,410,200 (“the ’200 Patent”) [Dkt. No. 162];

9 WHEREAS, the parties believe that it will be most efficient to synchronize the patent
10 disclosures and claim construction proceedings for both the ’537 and ’200 Patents;

11 NOW THEREFORE, the parties HEREBY STIPULATE AND AGREE, subject to the
12 approval and order of the Court, to the following amended schedule for the patent disclosures and
13 claim construction proceedings:

14 NOW THEREFORE, the parties HEREBY STIPULATE AND AGREE, subject to the
15 approval and order of the Court, to the following schedule for the completion of the patent
16 disclosures and claim construction proceedings:

17 1. Illumina will serve supplemental infringement contentions that include allegations
18 regarding the ’200 Patent under Patent L.R. 3-1 and 3-2 on **December 16, 2016**.

19 2. QIAGEN will serve supplemental invalidity contentions that include allegations
20 regarding the ’200 Patent under Patent L.R. 3-4 and 3-5 on **January 6, 2017**.

21 3. The parties will exchange an updated, supplemental list of proposed claim terms
22 for construction that include terms from both the ’537 and ’200 Patents under Patent L.R. 4-1 on
23 **January 13, 2017**.

24 4. The parties will exchange proposed preliminary claim constructions for both the
25 ’537 and ’200 Patents under Patent L.R. 4-2 on **January 20, 2017**.

26 5. The parties shall file a Joint Claim Construction and Prehearing Statement under
27 Patent L.R. 4-3 on **February 3, 2017**.

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6. The completion of claim construction briefing will be according to schedule under Patent L.R. 4-5.

IT IS SO STIPULATED.

Dated: December 12, 2016

FARELLA BRAUN & MARTEL LLP

I, John L. Cooper, represent that concurrence in the filing of this document has been obtained from the other signatory, which shall serve in lieu of his signature on this document.

/s/ John L. Cooper
John L. Cooper

Attorneys For Defendants
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REDWOOD CITY, INC., AND INTELLIGENT
BIO-SYSTEMS, INC.

WEIL, GOTSHAL & MANGES LLP

/s/ Edward R. Reines
Edward R. Reines

Attorneys for Plaintiffs
ILLUMINA, INC. AND ILLUMINA
CAMBRIDGE LTD.

~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

IT IS SO ORDERED.

Dated: December 13, 2016.


HON. WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE