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

ILLUMINA, INC, and ILLUMINA  
CAMBRIDGE LTD.,

No. C 16-02788 WHA

Plaintiffs,

**ORDER DENYING MOTION  
TO RELATE**

v.

QIAGEN N.V., QIAGEN GmbH, QIAGEN  
GAITHERSBURG, INC., QIAGEN SCIENCES,  
LLC, QIAGEN INC. (USA), QIAGEN  
REDWOOD CITY, INC., AND INTELLIGENT  
BIO-SYSTEMS, INC.,

Defendants.

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The Court has reviewed plaintiffs' administrative motion to relate *Illumina, Inc. et al. v. BGI Genomics Co., Ltd., et al.* (Case No. C 19-03770 WHO) ("*Illumina v. BGI*"), and third-party Complete Genomics Inc.'s opposition thereto (Dkt. Nos. 208, 209). The motion is

**DENIED.**

Under Civil Local Rule 3-12, actions are considered related where (1) they "concern substantially the same parties, property, transaction or event"; and (2) it "appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different Judges."

The primary overlap between the instant action (which has been closed for two years) and *Illumina v. BGI* involves the asserted patents. This, by itself, is insufficient to show that the actions concern the same property. (Because plaintiffs filed the action they seek to relate three


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years after filing the instant action, Patent Local Rule 2-1(a)(1) does not apply.) These actions involve different defendant companies and different accused products and as such, involve different issues of infringement and damages.

Nor does it appear likely that there will be an unduly burdensome duplication of labor or conflicting results if the case is not related. True, the undersigned judge issued an order granting provisional relief in the instant action, which order analyzed one of the patents-in-suit in detail. But as Color Genomics points out, those evaluations were preliminary. Moreover, provisional relief was granted nearly three years ago and the undersigned judge now remembers little about the patents. Accordingly, this order finds that the actions are not related.

**IT IS SO ORDERED.**

Dated: July 22, 2019.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE