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

7 Attorneys for Defendants QIAGEN, N.V.,
 QIAGEN GmbH, QIAGEN Gaithersburg, Inc.,
 8 QIAGEN Sciences, LLC, QIAGEN Inc. (USA),
 QIAGEN Redwood City, Inc., and
 9 Intelligent Bio-Systems, Inc.

10 **UNITED STATES DISTRICT COURT**
 11 **NORTHERN DISTRICT OF CALIFORNIA**
 12 **SAN FRANCISCO DIVISION**

13 _____ :
 ILLUMINA, INC., and ILLUMINA :
 14 CAMBRIDGE LTD., :

15 Plaintiffs,

16 v.

17 QIAGEN N.V., QIAGEN GmbH,
 QIAGEN GAITHERSBURG, INC., :
 18 QIAGEN SCIENCES, LLC, :
 QIAGEN INC. (USA), QIAGEN REDWOOD :
 19 CITY, INC., and INTELLIGENT BIO- :
 SYSTEMS, INC., :
 20 _____ :

20 Defendants.

: Case No. 3:16-cv-02788
 :
 : **STIPULATION AND ~~PROPOSED~~**
 : **ORDER REGARDING THE SCHEDULE**
 : **FOR MOTION TO TRANSFER,**
 : **MOTION TO DISMISS, MOTION FOR**
 : **PRELIMINARY INJUNCTION, AND**
 : **RESPONSE TO COMPLAINT**

23 WHEREAS, on May 24, 2016, Illumina, Inc. and Illumina Cambridge Ltd. (together,
 24 “Illumina”) filed its Complaint [Dkt. No. 1] and Motion for Preliminary Injunction [Dkt. No. 13]
 25 against defendants QIAGEN N.V., QIAGEN GmbH, QIAGEN Gaithersburg, Inc., QIAGEN
 26 Sciences, LLC, QIAGEN Inc. (USA), QIAGEN Redwood City, Inc., and Intelligent Bio-Systems,
 27 Inc. (together, “QIAGEN”);
 28

1 WHEREAS, the parties stipulated and the Court ordered that the deadline for QIAGEN to
2 respond to Illumina's Complaint and Motion for Preliminary Injunction be extended until and
3 including June 17, 2016 to allow the parties time to engage in further discussions regarding the
4 efficient resolution of the parties' disputes;

5 WHEREAS, the parties have previously jointly filed a Notice of Pendency of a Related
6 Case [Dkt. No. 27], notifying the Court of the case Tr. of Columbia Univ. in the City of N.Y. v.
7 Illumina, Inc., No. 12-cv-0376 (U.S.D.C. D. Del.) (Sleet, J.), and the intention of the QIAGEN
8 defendants to move to transfer this case to the District of Delaware;

9 WHEREAS, the QIAGEN defendants except for QIAGEN N.V. have now filed a motion
10 to transfer this matter to the District of Delaware [Dkt. No. 29], and QIAGEN N.V. intends to file
11 on or before June 16, 2016, a motion to dismiss QIAGEN N.V. from this case for lack of personal
12 jurisdiction;

13 WHEREAS, Illumina intends to oppose these motions;

14 NOW THEREFORE, the parties HEREBY STIPULATE AND AGREE, subject to the
15 approval and order of the Court, as follows:

16 1. **Motion to Transfer**

17 a. The QIAGEN defendants filed their motion on June 14, 2016.
18 b. Illumina shall file its opposition on or before June 27, 2016.
19 c. QIAGEN shall file its reply on or before July 1, 2016.
20 d. The parties respectfully request that, if the Court plans to hold a hearing for
21 this motion, that it be set for July 14, 2016,¹ or on such other date that week convenient to the
22 Court.

23 2. **Motion to Dismiss QIAGEN N.V. for Lack of Personal Jurisdiction**

24 a. QIAGEN N.V. shall file its motion on or before June 16, 2016.
25 b. Illumina shall file its opposition on or before June 27, 2016.

26 _____
27 ¹ Pursuant to Local Rule 7-2(a), in its motion to transfer, QIAGEN noticed the hearing date
28 for July 21, 2016. By this stipulation, the parties respectfully request that the hearing date
be moved to July 14, 2016.

1 c. QIAGEN N.V. shall file its reply on or before July 1, 2016, except that if
2 QIAGEN believes that it will be filing an additional declaration or declarations with its Reply, it
3 shall notify the Court and Illumina by June 30, and Illumina agrees that QIAGEN's Reply in such
4 a circumstance is due on or before July 6, 2016.

5 d. The parties respectfully request that, if the Court plans to hold a hearing for
6 this motion, that it be set for July 14, 2016,² or on such other date that week convenient to the
7 Court.

8 **3. Answers to Complaint**

9 a. Reserving all defenses they may have, the QIAGEN defendants other than
10 QIAGEN N.V. will limit their response to the Complaint to an answer, affirmative defenses, and
11 any counterclaims, and such answers to the complaint will be due on the day that is 7 business
12 days after the Court's decision on QIAGEN's Motion to Transfer.

13
14 **4. Motion for Preliminary Injunction**

15 a. If the Court has not granted QIAGEN's motion to transfer as of July 25,
16 2016, QIAGEN shall file its opposition on or before July 25, 2016, and Illumina shall file its reply
17 on or before August 12, 2016. QIAGEN has the right to depose Illumina witnesses who submit
18 declarations with Illumina's reply, and to submit to the Court by August 18, 2016, designations of
19 such deposition testimony with a concise statement of the relevance of such designations to the
20 matters before the Court.

21 b. If this case is transferred to Delaware, and the parties have not completed
22 the preliminary injunction briefing yet, they will diligently negotiate a schedule for the prompt
23 completion of briefing in Delaware.

24
25
26 _____
27 ² Pursuant to Local Rule 7-2(a), in its motion to dismiss, QIAGEN N.V. will notice the
28 hearing date for July 21, 2016. By this stipulation, the parties respectfully request that the
hearing date be moved to July 14, 2016.

1 5. **Continuance of Noticed Hearing Date under Civil Local Rule 7-7**

2 a. Pursuant to Civil Local Rule 7-7, Illumina hereby requests to continue the
3 originally noticed hearing date of July 21, 2016 for its preliminary injunction motion to Thursday,
4 August 25, 2016 at 8:00 A.M.

5
6 **IT IS SO STIPULATED.**

7 Dated: June 16, 2016

FARELLA BRAUN & MARTEL LLP

8 I, John L. Cooper, represent that
9 concurrence in the filing of this document
10 has been obtained from each of the other
11 signatories, which shall serve in lieu of
12 their signatures on this document.

/s/ John L. Cooper
John L. Cooper

Attorneys For Defendants
11 QIAGEN, N.V., QIAGEN GMBH, QIAGEN
12 GAITHERSBURG, INC., QIAGEN SCIENCES,
13 LLC, QIAGEN INC. (USA), QIAGEN
14 REDWOOD CITY, INC., AND INTELLIGENT
15 BIO-SYSTEMS, INC.

WEIL, GOTSHAL & MANGES LLP

/s/ Edward R. Reines
Edward R. Reines


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

19
20 **~~PROPOSED~~ ORDER**

21 PURSUANT TO STIPULATION, IT IS SO ORDERED.

22 **IT IS SO ORDERED.**

23
24 Date: June 20, 2016.

25 _____
26 
27 THE HONORABLE WILLIAM H. ALSUP
28