

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

COGENT MEDICINE, INC.,
Plaintiff,
v.
ELSEVIER INC.,
Defendant.

Case No. C-13-4479-RMW

**ORDER RE CONTINUING HEARING
DATE ON ELSEVIER'S MOTION TO
DISMISS**

[Re: Docket No. 17]

COGENT MEDICINE, INC.,
Plaintiff,
v.
JOHN WILEY & SONS, INC. AND JOHN
WILEY & SONS LTD.,
Defendants.

COGENT MEDICINE, INC.,
Plaintiff,
v.
PHYSICIANS INTERACTIVE HOLDINGS,
INC., PHYSICIANS INTERACTIVE, INC.,
AND SKYSCAPE.COM, INC.,
Defendants.

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The court is strongly inclined to continue the hearing on Defendant Elsevier, Inc.’s motion to dismiss the complaint because the asserted patent is invalid for failure to claim patentable subject matter until after the Supreme Court rules in *CLS Bank*. The parties should be prepared to argue why the hearing should not be continued if that is their position. The court’s tentative ruling is that the hearing be continued to July 18, 2014. Within 7 days of the Supreme Court issuing its order in *CLS Bank*, the parties may each file a five page brief addressing how the decision affects the pending motion to dismiss. Depending on the date of the Supreme Court’s decision, this court may adjust the hearing date on the motion to dismiss to efficiently resolve the motion. This order does not affect the case management conference scheduled for Friday, March 28, 2014, nor is the court inclined to stay the case.

Dated: March 25, 2014


RONALD M. WHYTE
United States District Judge