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14 (Additional counsel listed on following page)

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN JOSE DIVISION

18
19 CHROMACODE, INC., and
20 CALIFORNIA INSTITUTE OF
TECHNOLOGY,

21 Plaintiffs and Counter-Defendants,

22 v.

23 BIO-RAD LABORATORIES, INC.,

24 Defendant and Counter-Plaintiff.
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*Attorneys for Defendant and Counter-
Plaintiff Bio-Rad Laboratories, Inc.*

CASE NO. 5:23-cv-06360-EJD

**JOINT STIPULATION AND ~~PROPOSED~~
ORDER REGARDING FILING OF SECOND
AMENDED COMPLAINT AND AMENDED
CASE SCHEDULE**

*** AS MODIFIED ***

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ChromaCode, Inc. and California Institute of Technology
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1 Pursuant to Rule 15(a) of the Federal Rules of Civil Procedure, Plaintiffs and Counter-
2 Defendants ChromaCode, Inc. (“ChromaCode”) and California Institute of Technology
3 (“Caltech”) (collectively “Plaintiffs”) and Defendant and Counter-Plaintiff Bio-Rad
4 Laboratories, Inc. (“Defendant” or “Bio-Rad”) hereby stipulate and jointly request that the Court
5 grant Plaintiffs leave to file a Second Amended Complaint as follows:

6 WHEREAS, ChromaCode filed a Complaint asserting claims for patent infringement of
7 U.S. Patent No. 10,068,051 (the “’051 Patent”) and No. 10,770,170 (the “’170 Patent”) (Dkt.
8 No. 1) on October 5, 2023;

9 WHEREAS, Plaintiffs filed the First Amended Complaint on October 13, 2023 (Dkt.
10 No. 12);

11 WHEREAS, Bio-Rad filed its Answer and Counterclaims to the First Amended
12 Complaint on November 8, 2023 (Dkt. No. 22);

13 WHEREAS, U.S. Patent No. 11,827,921 (the “’921 Patent”), which is in the same patent
14 family as the currently asserted ’051 and ’170 Patents, issued on November 28, 2023;

15 WHEREAS, Plaintiffs would like to amend the First Amended Complaint to add a claim
16 for patent infringement of the ’921 Patent;

17 WHEREAS, the parties have conferred on this matter and Bio-Rad does not oppose this
18 amendment subject to certain amendments of the case schedule, including rescheduling of the
19 coordinated Case Tutorial and Claim Construction Hearing in this matter and in the related case,
20 *ChromaCode, Inc. v. Bio-Rad Laboratories, Inc.*, Case No. 5:23-cv-04823-EJD;

21 WHEREAS, ChromaCode and Bio-Rad will file a Joint Stipulation and [Proposed] Order
22 in *ChromaCode, Inc. v. Bio-Rad Laboratories, Inc.*, Case No. 5:23-cv-04823-EJD, regarding
23 rescheduling the Case Tutorial and Claim Construction Hearing in that matter simultaneously
24 herewith;

WHEREAS, in order to accommodate Plaintiffs' Second Amended Complaint, the parties agreed to the following amended case schedule:¹

<u>EVENT</u>	<u>DEADLINE</u>
Invalidity Contentions (see Patent L.R. 3-3, 3-4, and 3-5)	May 13, 2024
Exchange of Proposed Terms for Construction (see Patent L.R. 4-1)	May 20, 2024
Exchange of Preliminary Claim Constructions and Extrinsic Evidence (see Patent L.R. 4-2)	June 3, 2024
Damages Contentions (see Patent L.R. 3-8)	July 2, 2024
Joint Claim Construction and Prehearing Statement (see Patent L.R. 4-3)	June 18, 2024
Joint Case Management Statement for Interim Conference (The Statement shall, among other things, update the court on the parties' readiness for the Markman hearing.)	June 28, 2024
Interim Case Management Conference	~~July 10, 2024~~ July 11, 2024
Responsive Damages Contentions (see Patent L.R. 3-9)	August 1, 2024
Completion of Claim Construction Discovery (see Patent L.R. 4-4)	July 12, 2024
Opening Claim Construction Brief (see Patent L.R. 4-5(a))	July 19, 2024
Responsive Claim Construction Brief (see Patent L.R. 4-5(b))	August 2, 2024
Reply Claim Construction Brief (see Patent L.R. 4-5(c))	August 9, 2024
Case Tutorial and Claim Construction Hearing (see Patent L.R. 4-6 and Standing Order for Patent Cases)	~~August 22, 2024 or as soon thereafter as the Court is available~~ August 28, 2024 at 10:00 a.m.
Advice of Counsel (see Patent L.R. 3-7)	30 days after Claim Construction Order
Fact Discovery Cutoff	November 1, 2024
Joint Trial Setting Conference Statement	November 8, 2024
Trial Setting Conference	November 21, 2024

¹ The deadlines provided after the Case Tutorial/Claim Construction Hearing are unchanged from the Court's Patent Scheduling Order (Dkt. No. 47), but are provided for completeness and convenience.

<u>EVENT</u>	<u>DEADLINE</u>
Designation of Opening Experts with Reports	December 9, 2024
Designation of Rebuttal Experts with Reports	January 21, 2025
Expert Discovery Cutoff	February 20, 2025
Deadline(s) for Filing Discovery Motions	See Civil L.R. 37-3
Deadline for Filing Dispositive and <i>Daubert</i> Motions	February 18, 2025
Oppositions to Dispositive and <i>Daubert</i> Motions	March 10, 2025
Replies to Dispositive and <i>Daubert</i> Motions	March 24, 2025

IT IS HEREBY STIPULATED AND AGREED by the parties, through their counsel of record, that pursuant to Federal Rule of Civil Procedure 15(a)(2), subject to the Court's approval, Plaintiffs may file a Second Amended Complaint in the form attached hereto as Exhibit A. A redline comparison between the First Amended Complaint and Second Amended Complaint is attached hereto as Exhibit B. By filing the Second Amended Complaint, Plaintiffs will amend their First Amended Complaint to add a claim for patent infringement of U.S. Patent No. 11,827,921.

Dated: March 26, 2024

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FILER'S ATTESTATION

I, Amy H. Candido, attest that all other signatories listed, and on whose behalf the filing is
submitted, concur in the filing's content and have authorized the filing.

Dated: March 26, 2024

/s/ Amy H. Candido
Amy H. Candido

IT IS SO ORDERED, as Modified.

Dated: March 27, 2024


UNITED STATES DISTRICT JUDGE