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 Attorneys for Plaintiffs and Counterclaim Defendants
 11 ILLUMINA, INC. and VERINATA HEALTH, INC.

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

14 VERINATA HEALTH, INC.,
 15 and
 16 THE BOARD OF TRUSTEES OF THE
 LELAND STANFORD JUNIOR
 17 UNIVERSITY
 18 Plaintiffs and
 Counterclaim-Defendants,
 19 v.
 20 ARIOSIA DIAGNOSTICS, INC.,
 21 and
 22 LABORATORY CORPORATION OF
 AMERICA HOLDINGS,
 23 Defendants and
 Counterclaim-Plaintiffs.

24 ILLUMINA, INC.,
 25 Plaintiff,
 26 v.
 27 ARIOSIA DIAGNOSTICS, INC.,
 28 Defendant.

Case No. 3:12-cv-05501-SI (consolidated
 with Case No. 3:14-cv-01921-SI and Case
 No. 3:15-cv-02216-SI)

**PLAINTIFFS ILLUMINA, INC. AND
 VERINATA HEALTH, INC.'S
 AMENDED NOTICE OF APPEAL TO
 THE UNITED STATES COURT OF
 APPEALS FOR THE FEDERAL
 CIRCUIT**

Judge: Hon. Susan Illston

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ILLUMINA, INC.,
Plaintiff,
v.
ARIOSIA DIAGNOSTICS, INC., AND
ROCHE MOLECULAR SYSTEMS, INC.,
Defendants.

1 Notice is hereby given that, pursuant to 28 U.S.C. § 1295(a)(1), plaintiffs Illumina, Inc.
2 and Verinata Health, Inc. (collectively, “Plaintiffs”) hereby appeal to the United States Court of
3 Appeals for the Federal Circuit from this Court’s July 19, 2018 Order re Post-Trial Motions
4 (Docket No. 705) (the “Post-Trial Order”), as modified by this Court’s October 4, 2018 Order re
5 Clarification (Docket No. 721) (the “Clarification Order”), denying them relief beyond the jury
6 verdict and all interlocutory or other orders subsidiary or relating to it and any final judgment in
7 this case that denies them relief beyond the jury verdict. Plaintiffs previously appealed to the
8 Federal Circuit on August 28, 2018 from the Post-Trial Order denying them relief beyond the jury
9 verdict and all interlocutory or other orders subsidiary or relating to it and any final judgment in
10 this case that denies them relief beyond the jury verdict, and incorporate by reference that Notice
11 of Appeal (Docket No. 718) (docketed as Fed. Cir. 2018-2317).

12 Plaintiffs state their belief that this Court’s Clarification Order is sufficient to render this
13 case appealable as a final judgment. It meets the standard set forth in *Halo Elecs., Inc. v. Pulse*
14 *Elecs., Inc.*, 857 F.3d 1347 (Fed. Cir. 2017) for finality of the determination of prejudgment
15 interest to perfect this Court’s jurisdiction over defendants Ariosa Diagnostics, Inc. and Roche
16 Molecular Systems, Inc.’s (collectively, “Defendants”) appeals (Fed. Cir. 2018-2305, 2018-2306)
17 pursuant to the final judgment rule. In the Clarification Order, this Court “determine[d], or
18 specif[ied] the means for determining the amount of prejudgment interest” (*Halo*, 857 F.3d at
19 1352 (internal quotations omitted)), including the interest rate and compounding. While this Court
20 did not expressly adopt a starting date for the calculation of prejudgment interest, the Court cited
21 Plaintiffs’ proposed dates and defendants in their briefing did not take issue with these dates or
22 offer alternative dates. Thus, the starting dates for calculation of prejudgment interest are
23 uncontested and this Court’s Clarification Order implicitly adopted those dates.

24 Out of an abundance of caution, Plaintiffs file this amended notice of appeal to preserve
25 their rights to appeal following issuance of the Clarification Order.

26 With this notice, Plaintiffs provide payment in the amount of \$505.00 for docketing this
27 Notice of Appeal, as required by Federal Rule of Appellate Procedure 3 and 28 U.S.C. §§ 1913
28 and 1917.

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Dated: October 26, 2018

Respectfully submitted,

WEIL, GOTSHAL & MANGES LLP

By: /s/ Edward R. Reines
Edward R. Reines

Attorney for Plaintiffs and Counterclaim-Defendants
ILLUMINA, INC. and VERINATA HEALTH, INC.