

1 Byron L. Pickard (*pro hac vice*)  
 2 bpickard@sternekessler.com  
 3 R. Wilson Powers III, Ph.D. (SBN 284533)  
 4 tpowers@sternekessler.com  
 5 William H. Milliken (*pro hac vice*)  
 6 wmilliken@sternekessler.com  
 7 Jacqueline Wright Bonilla, Ph.D. (SBN 200054)  
 8 jwrightbonilla@sternekessler.com  
 9 David W. Haars (*pro hac vice*)  
 10 dhaars@sternekessler.com  
 11 Brady P. Gleason (*pro hac vice*)  
 12 bgleason@sternekessler.com  
 13 Louis P. Panzica, Jr. (*pro hac vice*)  
 14 lpanzica@sternekessler.com  
 15 Hadia S. Ahsan (*pro hac vice*)  
 16 hahsan@sternekessler.com  
 17 **STERNE, KESSLER, GOLDSTEIN &**  
 18 **FOX P.L.L.C.**  
 1101 K Street, NW, 10th Floor  
 Washington, DC 20005  
 (202) 371-2600

14 Robert H. Sloss (SBN 87757)  
 15 robert.sloss@procopio.com  
 16 **PROCOPIO, CORY, HARGREAVES &**  
 17 **SAVITCH LLP**  
 18 3000 El Camino Real, 5 Palo Alto Square, Suite  
 400  
 Palo Alto, CA 94306  
 (650) 645-9000

19 *Attorneys for Plaintiff Tempus AI, Inc.*

Jordan R. Jaffe (SBN 254886)  
 jjaffe@wsgr.com  
 Wendy L. Devine (SBN 246337)  
 wdevine@wsgr.com  
 Catherine R. Lacey (SBN 291591)  
 clacey@wsgr.com  
**WILSON SONSINI GOODRICH &**  
**ROSATI, P.C.**  
 One Market Plaza  
 Spear Tower, Suite 3300  
 San Francisco, CA 94105-1126  
 (415) 947-2000

Michael T. Rosato (*pro hac vice*)  
 mrosato@wsgr.com  
 Eric P. Tuttle (SBN 248440)  
 eric.tuttle@wsgr.com  
 Colleen McCullough (*pro hac vice*)  
 cmccullough@wsgr.com  
**WILSON SONSINI GOODRICH &**  
**ROSATI, P.C.**  
 701 Fifth Avenue, Suite 5100  
 Seattle, WA 98104-7036  
 (206) 883-2500

*Attorneys for Defendant  
Guardant Health, Inc.*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

22 TEMPUS AI, INC.,  
 23 Plaintiff,  
 24 v.  
 25 GUARDANT HEALTH, INC.,  
 26 Defendant.

CASE NO. 3:25-cv-06622-TLT  
**STIPULATION WAIVING RIGHTS  
 TO APPEAL, CHALLENGE  
 JUDGMENT, OR SEEK SANCTIONS,  
 FEES, EXPENSES, OR COSTS**

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STIPULATION WAIVING RIGHTS TO APPEAL, CHALLENGE  
 JUDGMENT, OR SEEK SANCTIONS, FEES, EXPENSES, OR COSTS  
 CASE NO. 3:25-cv-06622-TLT

1 Tempus AI, Inc. (“Plaintiff” or “Tempus”) and Guardant Health, Inc. (“Defendant” or  
2 “Guardant”) (collectively, the “Parties”), by and through their respective counsel of record, hereby  
3 stipulate as follows:

4 WHEREAS Tempus filed suit against Guardant in which Tempus alleges claims for  
5 infringement of U.S. Patent Nos. 12,112,839, 11,640,859, 10,957,041, and 10,991,097;

6 WHEREAS, on May 23, 2025, Guardant filed a motion to dismiss the complaint;

7 WHEREAS, on January 21, 2026, this Court granted the motion to dismiss the complaint  
8 (ECF No. 82);

9 WHEREAS, on February 9, 2026, Judge Thompson entered a judgment in favor of  
10 Defendant Guardant Health, Inc. and against Plaintiff Tempus AI, Inc.

11 NOW, THEREFORE, IT IS STIPULATED by and among the Parties, through their  
12 respective counsel as follows:

- 13 1. Defendant Guardant Health, Inc. waives and forgoes pursuing or otherwise seeking  
14 sanctions, attorneys’ fees and/or costs from Tempus AI, Inc. in connection with the  
15 above-captioned matter, including, but not limited to any sanctions, fees, or costs that  
16 may be available under Federal Rule of Civil Procedure 54 or 35 U.S.C § 285;
  - 17 2. In consideration for Defendant Guardant Health, Inc.’s agreement to forgo sanctions,  
18 fees, and costs, Plaintiff Tempus AI, Inc. waives its right to appeal or to file any  
19 post-judgment motion challenging the February 9, 2026 Judgment, the Court’s  
20 rulings leading to the Judgment, or any issue arising in or from the Judgment, and  
21 thereby discontinues this action with prejudice;
  - 22 3. The Court shall retain jurisdiction over the parties to adjudicate any disputes  
23 regarding the scope and content of this Stipulation, and to give full force and effect  
24 to this Stipulation;
  - 25 4. Each party shall bear its own attorneys’ fees, expenses, and costs.
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1 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

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3 Respectfully Submitted,

4 Dated: February 23, 2026

*/s/ Byron L. Pickard*

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bpickard@sternekessler.com  
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tpowers@sternekessler.com  
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wmilliken@sternekessler.com  
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Hadia S. Ahsan (*pro hac vice*)  
hahsan@sternekessler.com  
**STERNE, KESSLER, GOLDSTEIN &  
FOX P.L.L.C.**  
1101 K Street, NW, 10th Floor  
Washington, DC 20005  
Phone: (202) 371-2600

Robert H. Sloss (SBN 87757)  
robert.sloss@procopio.com  
**PROCOPIO, CORY, HARGREAVES &  
SAVITCH LLP**  
3000 El Camino Real  
5 Palo Alto Square, Suite 400  
Palo Alto, CA 94306  
Phone: (650) 645-9000

*Attorneys for Plaintiff Tempus AI, Inc.*

23 Dated: February 23, 2026

*/s/ Jordan R. Jaffe*

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Jordan R. Jaffe (SBN 254886)  
jjaffe@wsgr.com  
Wendy L. Devine (SBN 246337)  
wdevine@wsgr.com  
Catherine R. Lacey (SBN 291591)  
clacey@wsgr.com

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ROSATI, P.C.**  
701 Fifth Avenue, Suite 5100  
Seattle, WA 98104-7036  
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*Attorneys for Defendant Guardant Health, Inc.*

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**LOCAL RULE 5-1(I)(3) CERTIFICATION**

I, Byron L. Pickard, am the ECF user whose ID and password are being used to file the above Certification. In compliance with Local Rule 5-1(i)(3), I hereby attest that Jordan R. Jaffe on behalf of Guardant Health, Inc. has concurred in the filing of the above [Proposed] Stipulation Regarding Motion for Fees and Expenses, and Bill of Costs.

Dated: February 23, 2026

Respectfully Submitted,

*/s/ Byron L. Pickard*

Byron L. Pickard (*pro hac vice*)

bpickard@sternekessler.com

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**FOX P.L.L.C.**

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Washington, DC 20005

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