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Attorneys for Defendant Guardant Health, Inc.

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

TEMPUS AI, INC.,
 Plaintiff,
 v.
 GUARDANT HEALTH, INC.,
 Defendant.

CASE NO. 3:25-cv-06622-TLT
**[PROPOSED] STIPULATION AND
 FINAL JUDGMENT**

1 Tempus AI, Inc. (“Plaintiffs” or “Tempus”) and Guardant Health, Inc. (“Defendants” 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 (the “’839 Patent”), 11,640,859 (the “’859 Patent”),
6 10,957,041 (the “’041 Patent”), and 10,991,097 (the “’097 Patent”) (collectively, the “Patents-in-
7 Suit”);

8 WHEREAS, on January 21, 2026, this Court granted the motion to dismiss made by
9 Guardant, finding Claim 1 of the ’097 Patent, Claim 1 of the ’041 Patent, Claim 1 of the ’859 Patent,
10 and Claim 1 of the ’839 Patent are not directed to patent-eligible subject matter under 35 U.S.C.
11 § 101, as set forth in this Court’s Order Granting Defendant’s Motion to Dismiss (“Motion to
12 Dismiss Order”) (ECF No. 82);

13 WHEREAS this Court dismissed with prejudice Tempus’s infringement claims as to Claim
14 1 of the ’097 Patent, Claim 1 of the ’041 Patent, Claim 1 of the ’859 Patent, and Claim 1 of the ’839
15 Patent.

16 WHEREAS this Court dismissed without prejudice and with leave to amend Tempus’s
17 infringement claims as to the other claims of the ’097 Patent, ’041 Patent, ’859 Patent, and ’839
18 Patent.

19 WHEREAS the Parties agree that Claim 1 of the ’097 Patent, Claim 1 of the ’041 Patent,
20 Claim 1 of the ’859 Patent, and Claim 1 of the ’839 Patent are representative of the remaining
21 claims-in-suit of the ’097 Patent, ’041 Patent, ’859 Patent, and ’839 Patent, respectively.

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

24 1. For purposes of patent eligibility under 35 U.S.C. § 101, Claim 1 of the ’097 Patent,
25 Claim 1 of the ’041 Patent, Claim 1 of the ’859 Patent, and Claim 1 of the ’839 Patent are
26 representative of the remaining claims-in-suit of the ’097 Patent, ’041 Patent, ’859 Patent, and ’839
27 Patent, respectively. As a result, the Court’s analysis and conclusions in the Motion to Dismiss

1 Order as to each patent’s claim 1 apply equally to the other claims in each patent.

2 2. By treating these claims as representative, Tempus retains the right to challenge this
3 Court’s Motion to Dismiss Order on appeal of the present judgment. Insofar as the United States
4 Court of Appeals for the Federal Circuit vacates the dismissal as to any of Claim 1 of the ’097
5 Patent, Claim 1 of the ’041 Patent, Claim 1 of the ’859 Patent, or Claim 1 of the ’839 Patent, any
6 other claims in a patent for which dismissal as to Claim 1 was vacated shall be treated as revived.

7 The Parties intend this stipulation to allow entry of final judgment against Tempus.

8 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

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Dated: February 9, 2026

Respectfully Submitted,

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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 [Proposed] Stipulation and Final Judgment Under Federal Rule of Civil Procedure 54(b). 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 and Final Judgment.

Dated: February 9, 2026

Respectfully Submitted,

/s/ Byron L. Pickard

Byron L. Pickard

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[PROPOSED] FINAL JUDGMENT

Pursuant to Federal Rule of Civil Procedure 58 and the parties’ stipulation, the Court hereby ENTERS judgment in favor of Defendant, Guardant Health, Inc., and against Plaintiff, Tempus AI, Inc. In view of the Court’s order of January 21, 2026, dismissing plaintiff Tempus’s Complaint (Dkt. No. 82) and pursuant to Federal Rule of Civil Procedure 58, judgment is entered against plaintiff Tempus AI Inc.

The Clerk of Court shall close the file in this matter.

IT IS SO ORDERED.

Dated: _____, 2026

THE HONORABLE TRINA L. THOMPSON
United States District Judge