

From: [Rosato, Michael](#)
To: [David Haars](#); [Trey Powers](#); [Byron Pickard](#); [Louis Panzica](#)
Cc: [Gerrard, Sonja](#); [Mills, Jad](#); [Medley, Patrick](#)
Subject: RE: IPR2026-00185
Date: Thursday, March 12, 2026 1:05:25 PM
Attachments: [image001.png](#)

EXTERNAL EMAIL: Use caution before clicking links or attachments.

David,

This is not agreeable. As indicated below, we would be agreeable to jointly submitting the identified docket entries so as to apprise the Board of the status of the district court case and the now surrendered '097 patent. If Tempus intends to pursue discretionary denial, we would want the opportunity to review the briefing and assess whether that is the appropriate relief under the circumstances.

Best regards,

- Mike

From: David Haars <DHaars@sternekessler.com>
Sent: Wednesday, March 11, 2026 5:02 PM
To: Rosato, Michael <mrosato@wsgr.com>; Trey Powers <TPOWERS@sternekessler.com>; Byron Pickard <BPICKARD@sternekessler.com>; Louis Panzica <LPanzica@sternekessler.com>
Cc: Gerrard, Sonja <sgerrard@wsgr.com>; Mills, Jad <jmills@wsgr.com>; Medley, Patrick <pmedley@wsgr.com>
Subject: RE: IPR2026-00185

EXT - dhaars@sternekessler.com

Hi Mike,

See our edits to the draft email below.

David

//Draft email to the Director//

Honorable **Director:**

Petitioner (Guardant Health) filed the IPR petition regarding U.S. Patent No. 10,991,097 in the above-referenced matter on December 20, 2025, and the notice of accorded filing date was mailed January 13, 2026. The '097 patent has now been found invalid in the related district court matter.

Tempus AI EX2006
Guardant v. Tempus
IPR2026-00185

Specifically, on January 21, 2026, Judge Thompson, in case No. 25-cv-06622-TLT in the Northern District of California, held the claims of the '097 Patent to be patent ineligible under 35 U.S.C. §101, and granted Guardant's motion to dismiss (Patent Owner) Tempus's infringement claims. On February 9, 2026, the parties stipulated to entry of final judgment and the Court entered final judgment against Tempus and in favor of Guardant. On February 23, 2026, Tempus waived all rights to challenge the judgment or seek any appeal.

Accordingly, Guardant requests authorization to submit the district court docket entries identified below such that the record accurately reflects the status of the '097 patent:

- D.I. 82, Order Granting Defendant's Motion to Dismiss, *Tempus AI, Inc. v. Guardant Health, Inc.*, 25-cv-06622-TLT (N.D. Cal. Jan. 21, 2026).
- D.I. 85, Stipulation and Proposed Final Judgment, *Tempus AI, Inc. v. Guardant Health, Inc.*, 25-cv-06622-TLT (N.D. Cal. Feb. 9, 2026).
- D.I. 86, Judgment, *Tempus AI, Inc. v. Guardant Health, Inc.*, 25-cv-06622-TLT (N.D. Cal. Feb. 9, 2026).
- D.I. 88, Stipulation Waiving Rights to Appeal, Challenge Judgment, or Seek Sanctions, Fees, Expenses, or Costs, *Tempus AI, Inc. v. Guardant Health, Inc.*, 25-cv-06622-TLT (N.D. Cal. Feb. 23, 2026).

~~The parties have conferred and Patent Owner [does not oppose] this request. Additionally, rather than burdening the Director with any additional briefing, the parties jointly request that the Director vacate all pending scheduling deadlines in the above-referenced IPR and deny institution consistent with *Hulu, LLC v. Piranha Media Distribution, LLC*, IPR2024-01252, Paper 27 (PTAB April 17, 2025) (designated informative May 7, 2025). Patent Owner's discretionary denial brief is due March 13, 2026.~~

Respectfully submitted,

David Haars
Director
dhaars@sternekessler.com

202-772-8639 direct
202-371-2600 main

Sterne, Kessler, Goldstein & Fox PLLC
1101 K Street NW, 10th Floor, Washington, DC 20005

From: Rosato, Michael <mrosato@wsgr.com>
Sent: Tuesday, March 10, 2026 12:36 PM
To: Trey Powers <TPOWERS@sternekessler.com>; Byron Pickard <BPICKARD@sternekessler.com>; David Haars <DHaars@sternekessler.com>; Louis Panzica <LPanzica@sternekessler.com>
Cc: Gerrard, Sonja <sgerrard@wsgr.com>; Mills, Jad <jmills@wsgr.com>; Medley, Patrick <pmedley@wsgr.com>
Subject: RE: IPR2026-00185

Hi Trey,

Our email doesn't specifically mention adverse judgement, but we are willing to work with Tempus if that is what is being sought.

In the meantime, while your client is deciding on whether it is participating in the IPR (per my question below), we propose submitting relevant documents to the Board. Please see my draft email below and let me know whether Tempus opposes the request to submit.

Thanks,

- Mike

//Draft email to the Board//

Honorable Board:

Petitioner (Guardant Health) filed the IPR petition regarding U.S. Patent No. 10,991,097 in the above-referenced matter on December 20, 2025, and the notice of accorded filing date was mailed January 13, 2026. The '097 patent has now been found invalid in the related district court matter.

Specifically, on January 21, 2026, Judge Thompson, in case No. 25-cv-06622-TLT in the Northern District of California, held the claims of the '097 Patent to be patent ineligible under 35 U.S.C. §101, and granted Guardant's motion to dismiss (Patent Owner) Tempus's infringement claims. On February 9, 2026, the parties stipulated to entry of final judgment and the Court entered final judgment against Tempus and in favor of Guardant. On February 23, 2026, Tempus waived all rights to challenge the judgment or seek any appeal.

Accordingly, Guardant request authorization to submit the district court docket entries identified below such that the record accurately reflects the status of the '097 patent:

- D.I. 82, Order Granting Defendant's Motion to Dismiss, *Tempus AI, Inc. v. Guardant Health, Inc.*, 25-cv-06622-TLT (N.D. Cal. Jan. 21, 2026).
- D.I. 85, Stipulation and Proposed Final Judgment, *Tempus AI, Inc. v. Guardant Health, Inc.*, 25-cv-06622-TLT (N.D. Cal. Feb. 9, 2026).
- D.I. 86, Judgment, *Tempus AI, Inc. v. Guardant Health, Inc.*, 25-cv-06622-TLT (N.D. Cal. Feb. 9, 2026).
- D.I. 88, Stipulation Waiving Rights to Appeal, Challenge Judgment, or Seek Sanctions, Fees, Expenses, or Costs, *Tempus AI, Inc. v. Guardant Health, Inc.*, 25-cv-06622-TLT (N.D. Cal. Feb. 23, 2026).

The parties have conferred and Patent Owner **does not oppose** this request.

Respectfully submitted,

Michael T Rosato (Counsel for Petitioner Guardant Health)
Wilson Sonsini Goodrich & Rosati
[o] 206.883.2529 | [f] 206.883.2699
mrosato@wsgr.com

From: Trey Powers <TPOWERS@sternekessler.com>
Sent: Monday, March 9, 2026 9:29 AM
To: Rosato, Michael <mrosato@wsgr.com>; Byron Pickard <BPICKARD@sternekessler.com>; David Haars <DHaars@sternekessler.com>; Louis Panzica <LPanzica@sternekessler.com>
Cc: Gerrard, Sonja <sgerrard@wsgr.com>; Mills, Jad <jmills@wsgr.com>; Medley, Patrick <pmedley@wsgr.com>
Subject: RE: IPR2026-00185

EXT - tpowers@sternekessler.com

Mike,

Thanks for your email. We are discussing with our client. Please confirm that Guardant is not seeking adverse judgement against Patent Owner with Guardant's proposed approach.

Trey

R. Wilson "Trey" Powers III, Ph.D.
Director
Sterne, Kessler, Goldstein & Fox P.L.L.C.
Email: tpowers@sternekessler.com
Direct: 202.772.8876

Administrative Assistant: Cheryl Wagner
Direct: 202.772.8961 **Main:** 202.371.2600

From: Rosato, Michael <mrosato@wsgr.com>
Sent: Friday, March 6, 2026 3:39 PM
To: Trey Powers <TPOWERS@sternekessler.com>; Byron Pickard <BPICKARD@sternekessler.com>; David Haars <DHaars@sternekessler.com>; Louis Panzica <LPanzica@sternekessler.com>
Cc: Gerrard, Sonja <sgerrard@wsgr.com>; Mills, Jad <jmills@wsgr.com>; Medley, Patrick <pmedley@wsgr.com>
Subject: IPR2026-00185

EXTERNAL EMAIL: Use caution before clicking links or attachments.

Trey,

We are reaching out to see if Tempus intends to participate in IPR2026-00185 concerning U.S. Patent No. 10,991,097. As you know, the district court held the claims of the '097 directed to ineligible subject matter under 35 U.S.C. §101. Subsequently, the parties stipulated to entry of final judgement and the court has entered final judgment against Tempus, and Tempus has now waived rights to challenge the judgment or seek appeal. Rather than burden the parties and the Board with additional briefing, we propose updating the Board as to the events in district court and requesting the IPR be dismissed as moot.

Please let us know if you agree or oppose this request. Our draft email to the Board is listed below.

Best regards,

- Mike

//Draft email to the Board//

Honorable Board:

Petitioner (Guardant Health) filed the IPR petition regarding U.S. Patent No. 10,991,097 in the above-referenced matter on December 20, 2025, and the notice of accorded filing date was mailed January 13, 2026. The '097 patent has now been found invalid in the related district court matter, thereby rendering the present IPR moot.

Specifically, on January 21, 2026, Judge Thompson, in case No. 25-cv-06622-TLT in the Northern District of California, held the claims of the '097 Patent to be patent ineligible under 35 U.S.C. §101, and granted Guardant's motion to dismiss (Patent Owner) Tempus's infringement claims. On February 9, 2026, the parties stipulated to entry of final judgment and the Court entered final judgment against Tempus and in favor of Guardant. On February 23, 2026, Tempus waived all rights to challenge the judgment or seek any appeal.

Accordingly, Guardant request authorization to submit the district court docket entries identified below such that the record accurately reflects the status of the '097 patent:

- D.I. 82, Order Granting Defendant's Motion to Dismiss, *Tempus AI, Inc. v. Guardant Health, Inc.*, 25-cv-06622-TLT (N.D. Cal. Jan. 21, 2026).
- D.I. 85, Stipulation and Proposed Final Judgment, *Tempus AI, Inc. v. Guardant Health, Inc.*, 25-cv-06622-TLT (N.D. Cal. Feb. 9, 2026).
- D.I. 86, Judgment, *Tempus AI, Inc. v. Guardant Health, Inc.*, 25-cv-06622-TLT (N.D. Cal. Feb. 9, 2026).
- D.I. 88, Stipulation Waiving Rights to Appeal, Challenge Judgment, or Seek Sanctions, Fees, Expenses, or Costs, *Tempus AI, Inc. v. Guardant Health, Inc.*, 25-cv-06622-TLT (N.D. Cal. Feb. 23, 2026).

Additionally, rather than burdening the Board with additional briefing, [Guardant/the parties jointly] request the PTAB to vacate all pending scheduling deadlines in the

above-referenced IPR and terminate the IPR as moot.

Respectfully submitted,

Michael T Rosato (Counsel for Petitioner Guardant Health)

Wilson Sonsini Goodrich & Rosati

[o] 206.883.2529 | [f] 206.883.2699

mrosato@wsgr.com

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