

**ROPES & GRAY LLP**

James R. Batchelder (CSB # 136347)

David S. Chun (CSB # 315958)

Daniel W. Richards (CSB # 280595)

1900 University Ave. Sixth Floor

East Palo Alto, CA 94303-2284

Tel: (650) 617-4000

james.batchelder@ropesgray.com

david.chun@ropesgray.com

daniel.richards@ropesgray.com

*Attorneys for Plaintiff Becton, Dickinson and Company*

**[See signature page for complete list of parties represented]**

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

BECTON, DICKINSON AND COMPANY, )

Plaintiff / Counterclaim-Defendant )

v. )

CYTEK BIOSCIENCES INC., MING YAN, )  
ALFRED RILEY, DAVID VRANE, )  
ZHENYU ZHANG, ZHENXIANG GONG, )  
ALEX ZHONG, MARIA JAIMES, GIL )  
REININ, and JANELLE SHOOK, )

Defendants / Counterclaim-Plaintiff. )

C.A. No. 3:18-cv-00933-MMC

**STIPULATION TO (1) NOTIFY COURT  
OF PENDING SETTLEMENT, (2)  
REQUEST STAY AND [PROPOSED]  
ORDER**

**STIPULATION**

WHEREAS, on May 20, 2020, the Court granted the parties' Stipulation and Order to Amend the Scheduling Order (ECF No. 181).

WHEREAS, Plaintiff Becton, Dickinson and Company ("BD"), and Defendants Cytek Biosciences, Inc. ("Cytek"), Ming Yan, Alfred Riley, David Vrane, Zhenyu Zhang, Zhenxiang Gong, Alex Zhong, Maria Jaimes, Gil Reinin and Janelle Shook, have been participating in mediation sessions with the Court-appointed mediator.

WHEREAS, the parties, through their respective counsel, hereby notify the Court that the parties have reached an agreement in principle to settle this dispute, subject to a fully executed settlement agreement that the parties anticipate completing within the next 60 days.

NOW, THEREFORE, in light of the foregoing, and to conserve the resources of the Court and the parties, the parties respectfully request that the Court stay all deadlines and continue the hearing and decision on Cytek's pending Motion to Dismiss (Dkt 183) for a period of 60 days in order for the parties to reach final written agreement and stipulated dismissal.

**IT IS SO STIPULATED**

June 12, 2020

Respectfully submitted,

/s/ James Batchelder

**ROPES & GRAY LLP**

James R. Batchelder (CSB # 136347)

David S. Chun (CSB # 315958)

Daniel W. Richards (CSB # 280595)

1900 University Ave. Sixth Floor

East Palo Alto, CA 94303-2284

Tel: (650) 617-4000

Fax: (650) 617-4090

james.batchelder@ropesgray.com

david.chun@ropesgray.com

daniel.richards@ropesgray.com

Mark S. Popofsky (CSB # 175476)

Anne Johnson Palmer (CSB # 302235)

/s/ Jeffrey Karr

**COOLEY LLP**

STEPHEN C. NEAL (170085)

(sneal@cooley.com)

JEFFREY S. KARR (186372)

(jkarr@cooley.com)

MATTHEW E. BUCCELLATO (296079)

(mbuccellato@cooley.com)

3175 Hanover Street

Palo Alto, CA 94304-1130

Telephone: (650) 843-5000

Facsimile: (650) 849-7400

MARTIN S. SCHENKER (109828)

(mschenker@cooley.com)

101 California Street, 5th Floor

San Francisco, CA 94111-5800

Telephone: (415) 693-2000

ROPE & GRAY LLP  
Three Embarcadero Center  
San Francisco, CA 94111-4006  
Tel: (415) 315-6300  
Fax: (415) 315-6350  
mark.popofsky@ropesgray.com  
anne.johnsonpalmer@ropesgray.com

Peter M. Brody (*pro hac vice*)  
2099 Pennsylvania Ave. NW  
Washington, DC 20006-6807  
Tel: (202) 508-4600  
Fax: (202) 508-4650  
peter.brody@ropesgray.com

Kevin D. Sullivan (CSB # 270343)  
EPSTEIN BECKER & GREEN, P.C.  
1925 Century Park East, Suite 500  
Los Angeles, CA 90067  
Telephone: 310-556-8861  
Facsimile: 310-553-2165  
ksullivan@ebglaw.com

*Attorneys for Plaintiff Becton, Dickinson and Company*

Facsimile: (415) 693-2222

ADAM S. GERSHENSON (*pro hac vice*)  
(agershenson@cooley.com)  
DANE R. VORIS (281051)  
(dvoris@cooley.com)  
500 Boylston Street, 14th Floor  
Boston, MA 02116  
Telephone: (617) 937-2300  
Facsimile: (617) 937-2400

**ROPERS, MAJESKI, KOHN & BENTLEY**  
TODD A. ROBERTS (129722)  
(todd.roberts@rmkb.com)  
EDWIN B. BARNES (295454)  
(edwin.barnes@rmkb.com)  
1001 Marshall Street, Suite 500  
Redwood City, CA 94063-2052  
Telephone: (650) 364-8200  
Facsimile: (650) 780-1701

*Attorneys for Defendant Cytex Biosciences Inc.*

/s/ Allan Gomes

**ANDERIES & GOMES LLP**  
Allan J. Gomes (SBN 225810)  
Shane K. Anderies (SBN 215415)  
601 Montgomery St, Ste. 888  
San Francisco, CA 94111  
Telephone: (415) 217-8802  
Fax: (415) 217-8803  
agomes@andgolaw.com  
sanderies@andgolaw.com

*Attorneys for Defendants Ming Yan, Alfred Riley, David Vrane, Zhenyu Zhang, Zhenxiang Gong, Alex Zhong, Maria Jaimes, Gil Reinin, and Janelle Shook*

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Date: \_\_\_\_\_, 2020

HON. MAXINE CHESNEY  
UNITED STATES DISTRICT JUDGE

**ECF ATTESTATION**

I, James R. Batchelder, am the ECF User whose ID and password are being to file this STIPULATION TO (1) NOTIFY COURT OF PENDING SETTLEMENT, (2) REQUEST STAY AND [PROPOSED] ORDER. In compliance with Civil Local Rule 5-1(i)(3), I attest that concurrence in this stipulation has been obtained from any signatories indicated by a “conformed” signature (/s/) within this e-filed document.

Dated: June 12, 2020

/s/ James Batchelder