

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

Guardant Health, Inc. v. Tempus AI, Inc.

Guardant Health · No. Civil Action No. 25-82-GBW · Decided November 24, 2025

SUMMARY

The United States District Court for the District of Delaware grants Tempus AI, Inc.’s motion for leave to amend its answer and counterclaims under Federal Rule of Civil Procedure 15(a)(2). The court finds that Guardant Health did not establish undue prejudice, futility, delay, or bad faith, while directing the parties to submit a joint proposed amended scheduling order without changing the trial and related pretrial dates. Guardant’s pending motions to dismiss the counterclaims are denied as moot, and a scheduled telephonic hearing is cancelled.

CASE DETAILS

COURT	United States District Court for the District of Delaware
WRITING FOR THE COURT	Gregory B. Williams
JURISDICTION	United States District Court for the District of Delaware
DECIDED	November 24, 2025
DOCKET	Civil Action No. 25-82-GBW
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved for leave to amend its answer and counterclaims under Federal Rule of Civil Procedure 15(a)(2). Plaintiff opposed based on alleged undue prejudice and the effect of the proposed amendment on the existing case schedule.
STANDARD OF REVIEW	Under Federal Rule of Civil Procedure 15(a)(2), leave to amend should be freely given when justice so requires, but may be denied for undue delay, bad faith, dilatory motive, prejudice, or futility. Futility is assessed under the Rule 12(b)(6) legal-sufficiency standard.
PRECEDENTIAL VALUE	unpublished memorandum order
PARTIES	Tempus AI, Inc. v. Guardant Health, Inc.

TOPICS

- motion to amend
- pleadings
- motions to dismiss
- subject matter jurisdiction
- civil procedure

PRACTICE AREAS

civil procedure

commercial litigation

intellectual property

QUESTIONS PRESENTED

1. Whether Tempus should be granted leave under Federal Rule of Civil Procedure 15(a)(2) to amend its answer and counterclaims.
2. Whether the proposed amendment would cause undue prejudice by requiring additional discovery or disrupting the existing case schedule.
3. Whether Guardant's pending motions to dismiss should be denied as moot after the amended answer and counterclaims are filed.

HOLDINGS

1. Leave to amend was granted because Guardant did not establish undue delay, bad faith, dilatory motive, undue prejudice, or futility.
2. An entirely new scheduling order was not warranted, but the parties were required to meet and confer and submit a joint proposed amended scheduling order while keeping the trial date, pretrial conference date, and associated pretrial-filing deadlines unchanged.
3. Guardant's motions to dismiss Tempus's counterclaims were denied as moot.

KEY QUOTATIONS

“Federal Rule of Civil Procedure 15(a)(2) provides that a district court should ‘freely give leave [to amend] when justice so requires.’” (Legal Standard)

FACTUAL BACKGROUND

Tempus sought to amend its answer and counterclaims to add factual support for existing false-advertising claims and to streamline the case by removing claims targeted by Guardant's pending motions to dismiss. Guardant did not contest the amendment itself but argued that it would broaden the case, require additional discovery, and make the existing schedule unworkable. Trial was scheduled for September 27, 2027, and the court determined that the existing gap between dispositive-motion deadlines and the pretrial-order deadline could accommodate additional discovery.

PROCEDURAL HISTORY

In this federal civil action, Tempus sought to add factual support for existing false-advertising counterclaims and to remove claims subject to Guardant's pending motions to dismiss. The court concluded that Guardant had not shown undue prejudice, futility, dilatory motive, or bad faith warranting denial of leave to amend. The court granted leave to amend, required the parties to propose an amended scheduling order while preserving specified trial and pretrial dates, and denied Guardant's pending motions to dismiss as moot.

DISPOSITION

other

CASES CITED

- Talley v. Wetzel, 15 F.4th 275, 286 n.6 (3d Cir. 2021)
- LaSpina v. SEIU Pa. State Council, 985 F.3d 278, 291 (3d Cir. 2021)
- Guardant Health, Inc. v. Tempus AI, Inc., No. 24-687
- The Torrenzano Grp., LLC v. Dorchester Cap. Mgmt. Co., No. 08-357, 2010 WL 3615015, at *2 (D. Del. Sept. 10, 2010)

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