

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PRECEDENTIAL VALUE	unpublished memorandum order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)

OPINION

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

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

GUARDANT HEALTH, INC.,

Plaintiff, v. Civil Action No. 25-82-GBW

TEMPUS AI, INC.,

Defendant.

MEMORANDUM ORDER

Pending before the Court is Defendant Tempus AI, Inc.’s (“Tempus”) Motion for Leave to Amend Answer and Counterclaims (the “Motion”) (D.I. 56), which has been fully briefed (D.I. 57, D.I. 59, D.I. 60). Plaintiff Guardant Health, Inc. (“Guardant”) opposes the Motion on the grounds that the scope of the proposed amendment and the pace of discovery makes the existing case schedule unviable. For the following reasons, the Court grants the Motion.

I. LEGAL STANDARD

“Federal Rule of Civil Procedure 15(a)(2) provides that a district court should ‘freely give leave [to amend] when justice so requires.’” Talley v. Wetzel, 15 F.4th 275, 286 n.6 (3d Cir. 2021) (alterations in original). “Despite this liberal standard, leave to amend may be denied when there is undue delay, bad faith, dilatory motive, prejudice, [or] futility.” *Jd.* (quotation marks omitted); see LaSpina v. SEIU Pa. State Council, 985 F.3d 278, 291 (3d Cir. 2021). “Amendment would be futile when the complaint, as amended, would fail to state a claim upon which relief could be granted.” Talley, 15 F.4th at 286 n.6 (quotation marks omitted). “When assessing futility, the [d]istrict [c]ourt applies the same standard of legal sufficiency as [it] applies under Rule 12(b)(6).” *Id.* (quotation marks omitted).

II. DISCUSSION!

Tempus seeks leave to amend its Answer and Counterclaims pursuant to Federal Rule of Civil Procedure 15(a)(2) to add “new factual support for Tempus’s existing false advertising claims.”

D.J. 57 at 1. Tempus contends that the amendment would also “streamline[] the case by removing claims that are the subject of Guardant’s two pending motions to dismiss (D.J. 22; D.I. 46).” Id. Guardant does not oppose or contest the proposed amendment itself. Rather, Guardant’s response focuses on the impact of the proposed amendment on the existing scheduling order. See generally D.J. 59. Guardant contends that it “will suffer undue prejudice if Tempus’ proposed amendment is allowed and either the current schedule remains or an inadequate schedule is put into place.” Id. at 3-4. To support its position, Guardant argues that the proposed amendment would broaden the case and necessitate additional discovery. Accordingly, Guardant contends that any revised schedule should account for the additional allegations introduced by the proposed amendment, as well as the related patent action, *Guardant Health, Inc. v. Tempus AI, Inc.*, No. 24- 687, which Guardant argues should proceed to trial first. Id. at 4-5. The Court is not persuaded that an entirely new scheduling order is warranted. Upon review of the current scheduling order (D.I. 36), trial is currently scheduled approximately two years away on September 27, 2027. Additionally, the scheduling order provides a one-year gap between the deadline for the pretrial order and the deadline for dispositive and Daubert motions. See D.I. 36 (case dispositive motions/Daubert Motions briefing to be complete by September 28, 2026 and the proposed pretrial order due September 15, 2027). The Court believes that the existing gap could be used to adjust deadlines and effectively allow additional time for discovery. Although the Court does not adopt the schedule proposed by Guardant, the parties shall meet and confer and ' The Court writes for the benefit of the parties and assumes familiarity with the case. submit a joint proposed amended scheduling order. However, the trial date, pretrial conference date and deadlines for the associated pretrial filings including the proposed pretrial order, motions in limine, jury instructions, voir dire, and the verdict form shall remain unchanged in the joint proposed amended scheduling order. Given that the Court has addressed Guardant’s concern regarding undue prejudice, the Court will allow Tempus to amend its Answer and Counterclaims.”

II. CONCLUSION

For the foregoing reasons, the Court grants Tempus’s Motion for Leave to Amend Answer and Counterclaims (D.I. 56). **WHEREFORE**, at Wilmington this 24th day of November 2025, IT IS HEREBY ORDERED that:

1. Tempus AI, Inc.’s Motion for Leave to Amend Answer and Counterclaims (D.I. 56) is GRANTED;
2. Tempus shall file its Amended Answer and Counterclaims within three (3) days from entry of this Order;
3. Plaintiff Guardant Health, Inc. shall respond to the Amended Counterclaims within fourteen (14) days of filing;
4. The parties shall meet and confer and, by no later than December 3, 2025, submit a joint proposed amended scheduling order. The current trial date, pretrial conference date and associated pretrial filings including the proposed pretrial order, motions in limine, jury

instructions, voir dire, and the verdict form shall remain in effect; Guardant's response did not argue nor show that Tempus's proposed amendment is futile, dilatory or sought in bad faith. See *The Torrenzano Grp., LLC v. Dorchester Cap. Mgmt. Co.*, No. 08-357, 2010 WL 3615015, at *2 (D. Del. Sept. 10, 2010).

5. Plaintiff Guardant Health, Inc.'s Motion to Dismiss Defendant Tempus AI, Inc.'s Counterclaims (D.I. 22) and Plaintiff Guardant Health, Inc.'s 12(b)(1) Partial Motion to Dismiss Defendant Tempus AI, Inc.'s State Law Employee-Hiring Counterclaims for Lack of Subject Matter Jurisdiction (D.I. 46) are DENIED AS MOOT; and

6. The telephonic hearing scheduled for today at 2:30 p.m. E.T. is cancelled, given the Court's ruling by this Memorandum Order on the Motion (D.1. 56).

GREGORY B. WILLIAMS

UNITED STATES DISTRICT JUDGE