

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Roche Molecular Systems, Inc. v. Foresight Diagnostics Inc.

Case No. 24-cv-03972-EKL (N.D. Cal. July 16, 2025) · No. 24-cv-03972-EKL · Decided July 16, 2025

SUMMARY

The United States District Court for the Northern District of California partially granted and partially denied Foresight Diagnostics Inc.’s motion to dismiss Roche’s first amended complaint. The court dismissed without prejudice Roche’s Delaware trade secret, California unfair competition, and Delaware common-law unfair competition claims, while allowing its federal and California trade secret claims and declaratory judgment claim to proceed. The court concluded that the claims were not time-barred at the pleading stage and that Roche plausibly identified trade secrets and alleged misappropriation by Foresight.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Eumi K. Lee
JURISDICTION	United States District Court for the Northern District of California
DECIDED	July 16, 2025
DOCKET	24-cv-03972-EKL
DISPOSITION	other
PROCEDURAL POSTURE	Defendant Foresight Diagnostics, Inc. moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss Roche's first amended complaint. The court granted the motion without prejudice as to Counts 3, 8, and 9, and denied it as to Counts 1, 2, and 10.
STANDARD OF REVIEW	Under Rule 12(b)(6), the court accepts well-pleaded factual allegations as true and construes the pleadings in the light most favorable to the nonmoving party, but need not accept legal conclusions as true. Dismissal is proper when the complaint fails to state a claim that is plausible on its face.
PRECEDENTIAL VALUE	unpublished

TOPICS

misappropriation of trade secrets

trade secrets

motions to dismiss

statute of limitations

civil procedure

PRACTICE AREAS

trade secrets

commercial litigation

civil procedure

intellectual property

QUESTIONS PRESENTED

1. Whether Roche's DTSA and CUTSA trade-secret misappropriation claims were barred by the applicable three-year statute of limitations at the pleading stage.
2. Whether Roche adequately identified its alleged trade secrets with sufficient particularity.
3. Whether Roche plausibly alleged that Foresight misappropriated Roche's trade secrets, including through its co-founders.
4. Whether Roche stated a justiciable declaratory-judgment claim concerning ownership of disputed patent applications.
5. Whether the court could incorporate Stanford's patent-ownership policies by reference and rely on them to defeat Roche's well-pleaded allegations at the motion-to-dismiss stage.

HOLDINGS

1. The allegations did not establish on the face of the amended complaint that publication of the Chabon 2020 article placed Roche on actual or inquiry notice of the alleged misappropriation, so dismissal of the DTSA and CUTSA claims as time-barred was unwarranted.
2. Roche plausibly identified its alleged trade secrets with sufficient particularity to distinguish them from matters of general knowledge in the trade.
3. Roche plausibly alleged that Foresight misappropriated Roche's trade secrets, including indirectly through its co-founders, and therefore stated DTSA and CUTSA claims against Foresight.
4. Roche stated a plausible declaratory-judgment claim because its allegations established a substantial controversy between parties with adverse legal interests concerning ownership of the disputed patent applications.
5. The court declined to incorporate Stanford's policies by reference because the amended complaint did not refer to them extensively and Foresight offered them primarily to dispute Roche's well-pleaded allegations.

KEY QUOTATIONS

“A motion to dismiss based on the running of the statute of limitations may be granted only if the assertions in the complaint, read with the required liberality, would not permit the plaintiff to prove that the statute was tolled.” (at 4)

“Taken together, the allegations and exhibits describe the alleged trade secrets with “sufficient particularity to separate [them] from matters of general knowledge” about the CAPP-Seq/iDES technology that Roche acquired from CappMed.” (at 8)

“Foresight was founded “at the same time that [the Doctors] were serving as consultants and contractors for Roche.”” (at 10)

“Thus, Roche has pleaded an actual controversy regarding the DPAs between Roche on one hand, and Foresight and Stanford on the other.” (at 12)

FACTUAL BACKGROUND

Roche acquired CappMed in 2015, including patent rights, trade secrets, and know-how relating to CAPP-Seq technology, and later further developed CAPP-Seq and its associated iDES workflow. Former Roche consultants Maximilian Diehn, Arash Alizadeh, and David Kurtz allegedly accessed Roche's trade secrets while working for Roche, founded Foresight in 2020, and used the information to develop and commercialize competing PhasED-Seq technology. Roche identified nineteen alleged trade secrets and sought relief under federal and state trade-secret statutes, as well as a declaration of ownership of disputed patent applications.

PROCEDURAL HISTORY

Roche filed this action on July 1, 2024, and a related action in the District of Delaware the same day. The Delaware action was transferred to the Northern District of California, and the cases were consolidated on October 24, 2024. Roche filed its first amended complaint on November 22, 2024. Foresight moved to dismiss, and the court issued this order after briefing and an April 30, 2025 hearing.

DISPOSITION

other

REMAND INSTRUCTIONS

Roche may amend its complaint within fourteen days to consolidate its state-law trade-secret claims under the CUTSA and withdraw its unfair-competition claims. Roche must also file a redlined version comparing the amended complaint with the original complaint.

CASES CITED

- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 556, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Manzarek v. St. Paul Fire & Marine Ins. Co., 519 F.3d 1025, 1031 (9th Cir. 2008)
- Fayer v. Vaughn, 649 F.3d 1061, 1064 (9th Cir. 2011) (per curiam)
- Lopez v. Smith, 203 F.3d 1122, 1127 (9th Cir. 2000) (en banc)
- Doe v. United States, 58 F.3d 494, 497 (9th Cir. 1995)
- Pisciotta v. Teledyne Indus., Inc., 91 F.3d 1326, 1331 (9th Cir. 1996)
- MGA Ent., Inc. v. Mattel, Inc., 41 Cal. App. 5th 554, 561, 564 (2019)
- Fox v. Ethicon Endo-Surgery, Inc., 35 Cal. 4th 797, 807 (2005)

- Micrel Inc. v. Monolithic Power Sys. Inc., No. C 04-04770 JSW, 2005 WL 6426678, at *4, *6 (N.D. Cal. Dec. 9, 2005)
- Alta Devices, Inc. v. LG Elecs., Inc., No. 18-cv-00404-LHK, 2019 WL 1924992, at *14 (N.D. Cal. Apr. 30, 2019)
- Forcier v. Microsoft Corp., 123 F. Supp. 2d 520, 526 (N.D. Cal. 2000)
- Wang v. Palo Alto Networks, Inc., No. C 12-05579 WHA, 2014 WL 1410346, at *5-7 (N.D. Cal. Apr. 11, 2014)
- HiRel Connectors, Inc. v. United States, 465 F. Supp. 2d 984, 990-91 (C.D. Cal. 2006)
- InteliClear, LLC v. ETC Glob. Holdings, Inc., 978 F.3d 653, 657-58 (9th Cir. 2020)
- MAI Sys. Corp. v. Peak Comput. Inc., 991 F.2d 511, 522 (9th Cir. 1993)
- Imax Corp. v. Cinema Techs., Inc., 152 F.3d 1161, 1164 (9th Cir. 1998)
- MedioStream, Inc. v. Microsoft Corp., 869 F. Supp. 2d 1095, 1114 (N.D. Cal. 2012)
- Navigation Holdings, LLC v. Molavi, 445 F. Supp. 3d 69, 79 (N.D. Cal. 2020)
- Doe v. Epic Games, Inc., 435 F. Supp. 3d 1024, 1044 (N.D. Cal. 2020)
- Shell Gulf of Mexico, Inc. v. Ctr. for Biological Diversity, Inc., 771 F.3d 632, 635 (9th Cir. 2014)
- Khoja v. Orexigen Therapeutics, Inc., 899 F.3d 988, 1002-03 (9th Cir. 2018)
- United States v. Ritchie, 342 F.3d 903, 907 (9th Cir. 2003)
- Carl Zeiss AG v. Nikon Corp., No. 19-4162 SBA, 2019 WL 11499334, at *5 (N.D. Cal. Nov. 13, 2019)