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NOVA BIOMEDICAL CORPORATION and  
BECTON, DICKINSON AND COMPANY

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

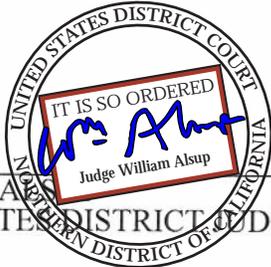
\_\_\_\_\_  
THERASENSE, INC. and  
ABBOTT LABORATORIES,  
  
Plaintiffs,  
  
v.  
  
BECTON, DICKINSON AND COMPANY,  
  
Defendant.  
  
\_\_\_\_\_  
AND CONSOLIDATED CASES  
\_\_\_\_\_

CASE NO. C04-2123 WHA  
CASE NO. C04-3327 WHA  
CASE NO. C04-3732 WHA  
  
~~PROPOSED~~ JUDGMENT

1           Having determined that there is no just reason for delay, judgment is hereby entered  
2 under Rule 54(b) in favor of Defendants Becton, Dickinson and Company ("BD") and Nova  
3 Biomedical Corporation ("Nova") (collectively, "BD/Nova") on all of Plaintiffs' claims relating  
4 to U.S. Patent Nos. 6,592,745 and 6,143,164. This Judgment resolves all of Plaintiffs' claims in  
5 CIVIL CASE NOS. 04-02123, 04-03327 and 04-03732 in favor of BD/Nova. Any of  
6 BD/Nova's affirmative defenses regarding the aforementioned patents that have not yet been  
7 adjudicated or have been denied on summary judgment are dismissed without prejudice, and  
8 may be asserted in any post-appeal proceedings in this action or in any subsequent action for  
9 any purpose to which it may be relevant. The Clerk **SHALL CLOSE THE FILE FOR CIVIL**  
10 **CASE NOS. 04-02123, 04-03327 AND 04-03732.**

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13 Dated: September 10, 2008

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WILLIAM H. ALSUP  
UNITED STATES DISTRICT JUDGE