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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

THERASENSE, INC.,
Plaintiff,

v.

BECTON, DICKINSON AND
COMPANY,
Defendant.

No. C 04-02123 WHA

Consolidated with

No. C 04-03327 WHA
No. C 04-03732 WHA
No. C 05-03117 WHA

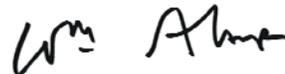
**ORDER RE PAYMENT
OF ATTORNEY'S FEES**

AND CONSOLIDATED CASES.

With respect to the attorney's fee award to defendants, plaintiff need not pay the amount now. The Court has considered the matter carefully and is convinced that plaintiff will be good for the money after a few years when the Federal Circuit and Supreme Court have passed on all appeals. Therefore, it would be a waste of money to require any bond and it would be unnecessary and problematic to require payment now due to the possibility that some defendants may not be able to repay the funds in the event of reversal. The award will bear interest at the statutory rate and shall be payable with interest once all affirmances are final.

IT IS SO ORDERED.

Dated: March 19, 2009



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE