

ROHIT SINGLA (#213057)  
JASON RANTANEN (#229404)  
MUNGER, TOLLES & OLSON LLP  
560 Mission Street  
27<sup>th</sup> Floor  
San Francisco, CA 94105  
Telephone: (415) 512-4000  
Facsimile: (415) 512-4077  
Email: [rohit.singla@mto.com](mailto:rohit.singla@mto.com)  
Email: [jason.rantanen@mto.com](mailto:jason.rantanen@mto.com)

Attorneys for Plaintiffs  
ABBOTT DIABETES CARE INC. and  
ABBOTT LABORATORIES

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ABBOTT DIABETES CARE INC. and  
ABBOTT LABORATORIES,

Plaintiffs,

vs.

ROCHE DIAGNOSTICS CORP., ROCHE  
DIAGNOSTICS OPERATIONS, INC.,  
and BAYER HEALTHCARE, LLC,

Defendants.

CASE NO. C04-2123 WHA

Consolidated with:

CASE NO. C04-3327 WHA  
CASE NO. C04-3732 WHA  
CASE NO. C05-3117 WHA

THERASENSE, INC., and ABBOTT  
LABORATORIES,

Plaintiffs,

vs.

NOVA BIOMEDICAL CORPORATION  
AND BECTON, DICKINSON AND  
COMPANY,  
Defendants.

**STIPULATION AND ~~PROPOSED~~ ORDER  
REGARDING STAY OF COSTS JUDGMENT  
PENDING APPEAL**

JOINT STIPULATION REGARDING STAY  
OF COSTS JUDGMENTS  
CASE NO. C 04-2123 WHA

Abbott Diabetes Care, Inc. and Abbott Laboratories ("Plaintiffs"), by and through undersigned counsel of record, and Nova Biomedical Corporation and Becton, Dickinson and Co. ("Defendants"), by and through undersigned counsel of record, hereby stipulate that the bonds obtained by Plaintiffs in the amounts of \$133,703.52 and \$170,296.07, respectively, are acceptable supersedeas bonds under Federal Rule of Civil Procedure 62(d) for obtaining an order staying execution of the judgments taxing costs in favor of defendants, pending the appeals of the underlying judgments.

The parties therefore agree and stipulate that execution of the costs judgments shall be stayed pending the appeals of the underlying judgments.

DATED: June 16, 2009 MUNGER, TOLLES & OLSON, LLP

By: /s/  
ROHIT SINGLA

*Attorneys for Plaintiffs*  
ABBOTT DIABETES CARE INC.  
and ABBOTT LABORATORIES

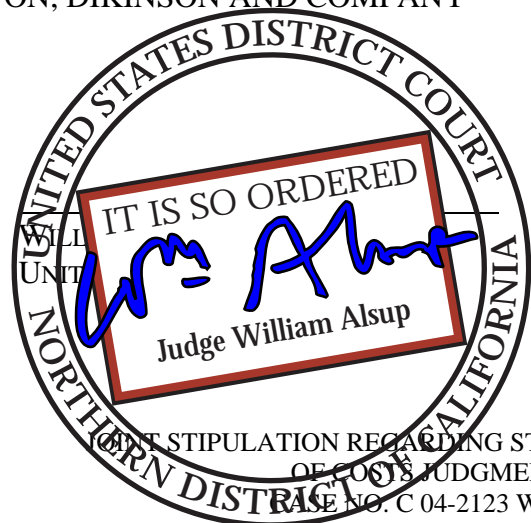
DATED: June 16, 2009 ROPES & GRAY LLP

By: /s/  
BRADFORD J. BADKE (*pro hac vice*)

*Attorneys for Defendants*  
NOVA BIOMEDICAL CORPORATION and  
BECTON, DIKINSON AND COMPANY

**IT IS SO ORDERED.**

DATED: June 17, 2009



1 I, Rohit K. Singla, am the ECF user whose identification and password are being  
2 used to file the Stipulation and [Proposed] Order Regarding Stay of Costs Judgment Pending  
3 Appeal. In compliance with General Order 45.X.B., I hereby attest that Bradford J. Badke has  
4 concurred in this filing.

5  
6 DATED: June 16, 2009 MUNGER, TOLLES & OLSON, LLP

7 By: /s/  
8 ROHIT SINGLA

9 *Attorneys for Plaintiffs*  
10 ABBOTT DIABETES CARE INC.  
11 and ABBOTT LABORATORIES  
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