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

5 APPLIED MATERIALS, INC. and
6 APPLIED MATERIALS ISRAEL, LTD.,

No. C 04-3656 SI

7 Plaintiffs,

**ORDER TO FILE JOINT STATUS
REPORT**

8 v.

9 NEGEVTECH, INC. and NEGEVTECH LTD.,

10 Defendants.

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12 By order of this Court entered on March 5, 2008, based on the stipulation of the parties, this
13 action was stayed pending PTO re-examination. The stipulation and order provided that a Joint Status
14 Report should be provided every four months thereafter. In July, 2008, the parties filed a joint report,
15 but te parties have filed nothing since then. **Accordingly, the parties are ORDERED to file a Joint**
16 **Status Report no later than August 14, 2009, informing the Court of the status of the re-**
17 **examination proceedings and projecting when this case may again be activated.**

18 As counsel are aware, the action has been effectively stalled since October, 2005, based on the
19 PTO re-examination proceedings concerning the '921 patent (initiated in June, 2005) and the re-
20 examination request made to the PTO concerning the '891 patent (initiated in January, 2007). Under
21 these circumstances, and depending on the content of the Joint Status Report to be received, the Court
22 will consider ADMINISTRATIVELY CLOSING this action, without prejudice to re-activation when/if
23 the PTO proceedings are finalized and the relevant claims remain intact. Preliminary relief currently
24 in place would be maintained.

25 **IT IS SO ORDERED.**

26 Dated: August 4, 2009



27 SUSAN ILLSTON
28 United States District Judge