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 14 DENMARK A/S

15 [Additional Counsel appear on signature page]

16 UNITED STATES DISTRICT COURT  
 17 NORTHERN DISTRICT OF CALIFORNIA  
 18 SAN FRANCISCO DIVISION

19 THE REGENTS OF THE UNIVERSITY  
 20 OF CALIFORNIA, ABBOTT  
 MOLECULAR INC., and ABBOTT  
 21 LABORATORIES INC.,

22 Plaintiffs,

23 v.

24 DAKO NORTH AMERICA, INC. and  
 25 DAKO DENMARK A/S,

26 Defendants.

Case No. C 05-03955 MHP

**STIPULATION AND STATUS REPORT;  
 [PROPOSED] ORDER**

The Honorable Marilyn Hall Patel

27 AND RELATED COUNTERCLAIMS  
 28

1 Pursuant to the Court's May 22, 2009 Order Vacating Trial Date, plaintiffs The Regents  
2 of the University of California, Abbott Molecular Inc. and Abbott Laboratories Inc. and  
3 defendants Dako North America, Inc. and Dako Denmark A/S ("Defendants"), (collectively "the  
4 parties") hereby, through their respective counsel, provide the following status report to the  
5 Court:

6 WHEREAS, the parties are continuing negotiations to finalize and execute a formal  
7 Settlement Agreement, including a dismissal of the above-entitled action pursuant to the parties'  
8 May 21, 2009 binding Memorandum of Understanding resolving the claims and counterclaims in  
9 the above-entitled action;

10 WHEREAS, the parties expect the Settlement Agreement, including a dismissal of this  
11 action, to be finalized shortly, but not before the June 19, 2009 date set forth in the Court's May  
12 22, 2009 Order Vacating Trial Date;

13 The parties through the respective counsel hereby stipulate to and respectfully request the  
14 Court to order as follows:

15 1. The above-entitled action is continued for an additional 21 days pending the  
16 execution of a formal Settlement Agreement to include a dismissal of the above-entitled action.  
17 The parties shall notify the Court by July 10, 2009 of the status of the litigation if no dismissal of  
18 the action is filed by that date.

1 Dated: June 18, 2009

FENWICK & WEST LLP

2 By:                     /s/ Carolyn Chang  
3 Carolyn Chang

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20 THE REGENTS OF THE UNIVERSITY OF  
21 CALIFORNIA, ABBOTT MOLECULAR INC.,  
22 and ABBOTT LABORATORIES INC.  
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1 Dated: June 18, 2009

FINNEGAN, HENDERSON, FARABOW,  
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2  
3 By: /s/ Tina E. Hulse

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DAKO NORTH AMERICA, INC. and DAKO  
18 DENMARK A/S

19  
20 **ATTESTATION PURSUANT TO GENERAL ORDER 45**

21 I, Carolyn Chang, attest that concurrence in the filing of this document has been obtained  
22 from any signatories indicated by a “conformed” signature (/s/) within this e-filed document

23 I declare under penalty of perjury that the foregoing is true and correct. Executed this  
24 18th day of June, 2009 in Mountain View, California.

25  
26 /s/ Carolyn Chang

Carolyn Chang

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**ORDER**

Having reviewed the parties' Status Report and pursuant to the Stipulation, good cause appearing, it is hereby ORDERED:

1. The above-entitled action is continued for an additional 21 days pending the execution of a formal Settlement Agreement to include a dismissal of the above-entitled action. The parties shall notify the Court by July 10, 2009 of the status of the litigation if no dismissal of the action is filed by that date.

**IT IS SO ORDERED.**

Dated: June 19 , 2009

By: \_\_\_\_\_  
The Honorable Judge Marilyn H. Patel  
United States District Court  
