

United States District Court
For the Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

EXONHIT THERAPEUTICS S.A.,
a French societe anonyme, and
EXONHIT THERAPEUTICS, INC., a
Delaware corporation,

No. C 07-01427 WHA

Plaintiff,

ORDER RE STATUS REPORT

v.

JIVAN BIOLOGICS, INC., a Delaware
corporation,

Defendant.

The Court has received the parties' separately submitted status reports regarding the pending reexamination proceedings. In its report, ExonHit informed the Court that Jivan has filed a second request for reexamination that was merged by the PTO into the first request for reexamination thereby delaying any action in the first request. The Court does not wish this matter to be delayed any further than it already has. Accordingly, if Jivan files another request for reexamination based on prior art that could have been located prior to the second request for reexamination the stay in this case will be lifted. The parties should file a status report on **FEBRUARY 16, 2009**, updating the Court as to the status of the reexamination proceeding.

IT IS SO ORDERED.

Dated: October 20, 2008.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE