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United States District Court
For the Northern District of California

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

APPLERA CORPORATION-APPLIED
BIOSYSTEMS GROUP, a Delaware corporation,

Plaintiff,

No. C 07-02845 WHA

v.

ILLUMINA, INC., a Delaware corporation,
SOLEA INC., a Delaware corporation, and
STEPHEN C. MACEVICZ, an individual,

Defendants.

**TRIAL
PREPARATION ORDER**

Counsel shall stipulate as to which claim elements are present in the accused device or method so that the jury and the Court can concentrate on the elements genuinely in dispute. This will not only shorten the trial but will improve the jury's comprehension. For the same reason, counsel shall likewise stipulate as to which claim elements were present in specific prior art references asserted for invalidity, being specific as to which element was found in which reference. Do not simply regurgitate the contention charts, but counsel must concede every point that fairness and good faith require. Failure to so stipulate in good faith may be a basis for postponing the trial and/or advising the jury that a party disputes the elements not conceded. By **OCTOBER 8, 2008**, counsel shall submit a one-page sheet reproduction of each claim highlighting *the shortest set of words* needed to identify the elements in dispute. This should be

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done as to each claim. These will be given to the jury so it can readily appreciate the specific phrases in contention, all others being conceded.

IT IS SO ORDERED.

Dated: September 24, 2008.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE