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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,

No. C 07-02845 WHA

Plaintiff,

v.

**RESPONSE TO REQUEST ON  
DATE-CERTAIN TRIAL**

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

Defendants.

With respect to the request for a "certain trial date," the Court is sympathetic to the problems in trailing another case, but many other parties customarily do so and adjust to the uncertainty. There is no date certain that could be given anyway, given the calender of the Court, the loss of one member of our district, and the priority that criminal cases would receive over civil cases like this one. Counsel are invited to stipulate to a magistrate judge and the undersigned will help arrange a date-certain trial.

Dated: October 2, 2008.



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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE