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 11 INTEGRATED GENOMICS, INC.

12 UNITED STATES DISTRICT COURT  
 13 NORTHERN DISTRICT OF CALIFORNIA  
 14 SAN FRANCISCO DIVISION

15  
 16 In re INTEGRATED GENOMICS, INC.,  
 17 a Delaware Corporation,

18 Petitioner,

CASE NO. CV 08 80177 MISC WHA

(Pending Related Case: Integrated Genomics, Inc., a Delaware Corporation v. Nikos Kyrpides, No. 06-C-6706, Northern District of Illinois)

19 STIPULATION AND ~~PROPOSED~~ ORDER  
 20 TO CONTINUE HEARING ON  
 21 INTEGRATED GENOMICS, INC.'S  
 PETITION TO ENFORCE SUBPOENA

22 Hearing Date: September 29, 2008  
 23 Hearing Time: 3:00 p.m.  
 Courtroom 9, 19<sup>th</sup> Floor  
 24 Honorable William H. Alsup

25 Counsel for Plaintiff INTEGRATED GENOMICS, INC. ("IG") and third party, the  
 26 Regents of the University of California, operators of the JOINT GENOME INSTITUTE (the  
 27 "JGI"), hereby STIPULATE as follows:

28 1. At the September 19, 2008 hearing on IG's petition to enforce its subpoena to the

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STIPULATION AND ~~PROPOSED~~ ORDER  
 CASE NO. CV 08 80177 MISC WHA

1 JGI, the Court ordered that the parties would attempt to resolve the issue without an order from  
2 the Court;

3 2. The Court also set a further hearing on the matter for 3:00 p.m. on September 29,  
4 2008, with instructions that the September 29, 2008 hearing would be vacated, upon the parties'  
5 request, if all issues had been resolved;

6 3. The parties have been working on resolving the issue and the JGI is continuing to  
7 produce documents responsive to IG's subpoena;

8 4. A conference call between the parties was held today to discuss the status of the  
9 JGI's document production;

10 5. The parties agree that the hearing currently set for September 29, 2008, should be  
11 postponed for approximately two (2) weeks so that the JGI can complete its document  
12 production;

13 6. The parties, therefore, respectfully ask the Court to vacate the hearing set for  
14 September 29, 2008, and set a new hearing approximately two (2) weeks thereafter;

15 7. If the JGI completes its document production and all issues have been resolved  
16 before the date of the new hearing, the parties will notify the Court and have the continued  
17 hearing vacated.

18 IT IS SO STIPULATED.

19 Dated: September 26, 2008

SCHIFF HARDIN LLP

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By: /s/ P. Mark Mahoney

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ROCKY UNRUH

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P. MARK MAHONEY

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Attorneys for THE REGENTS OF THE  
UNIVERSITY OF CALIFORNIA

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Dated: September 26, 2008

TINGLEY PIONTKOWSKI LLP

By: /s/ Jonathan A. McMahon  
JONATHAN A. MCMAHON  
Attorneys for Petitioner  
INTEGRATED GENOMICS, INC.

I hereby attest that I have on file all holograph signatures for any signatures indicated by a  
“conformed” signature (/s/) within this e-filed document.

Dated: September 26, 2008

TINGLEY PIONTKOWSKI LLP

By: /s/ Jonathan A. McMahon  
JONATHAN A. MCMAHON  
Attorneys for Petitioner  
INTEGRATED GENOMICS, INC.

~~PROPOSED~~ ORDER

GOOD CAUSE APPEARING, it is hereby ordered that the hearing on Petitioner  
Integrated Genomics, Inc.’s Petition to Enforce Subpoena currently set for September 29, 2008, is  
vacated and a new hearing is hereby set for October 14, 2008, at 9 : 00 a .m.

IT IS SO ORDERED.

Dated: September 29, 2008

Honorable William Alsup  
JUDGE OF THE DISTRICT COURT  
