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17 **UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

18
19 LIFESCAN, INC. and
LIFESCAN SCOTLAND, LTD.,
20 Plaintiffs,

21 v.

22 DECISION DIAGNOSTICS CORP., and
PHARMATECH SOLUTIONS, INC.,
23 Defendants.

24 LIFESCAN, INC. and
JOHNSON & JOHNSON,
25 Plaintiffs,

26 v.

27 DECISION DIAGNOSTICS CORP.,
PHARMATECH SOLUTIONS, INC.,
28 Defendants.

Case No. 11-cv-4494-WHO
Case No. 12-cv-6360-WHO

ORDER

1 Pursuant to the Court's order (D.E. 477), Plaintiffs LifeScan Inc. and LifeScan Scotland Ltd.
2 (collectively, "LifeScan") submit this proposed order.

3 WHEREAS LifeScan has alleged in these actions that Defendants Decision Diagnostics
4 Corp. and PharmaTech Solutions, Inc. (collectively "PharmaTech"): (1) infringe U.S. Patent Nos.
5 5,708,247 ('247 patent), 6,241,862 ('862 patent), and 7,250,105 ('105 patent) in the 11-4494 Case
6 and (2) have violated the Lanham Act and related state law provisions in the 12-6360 Case; and

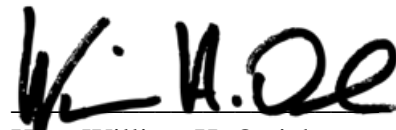
7 WHEREAS LifeScan has advised the Court in a Motion for Administrative Relief (D.E. 469)
8 that it desires to narrow the issues for trial by voluntarily dismissing (a) its claim for infringement of
9 the '247 patent and its claims for monetary damages on the '862 patent in the 11-4494 Case and
10 (b) all of its claims for monetary damages in the 12-6360 Case;

11 Having considered Plaintiffs' Motion for Administrative Relief (D.E. 469), Defendants'
12 opposition (D.E. 470), and argument by counsel at the May 5, 2015 Case Management Conference,
13 and for good cause shown, IT IS ORDERED THAT:

- 14 1. LifeScan's claim that PharmaTech infringes the '247 patent, namely Count I of LifeScan's
15 First Amended Complaint (D.E. 170) in the 11-4494 Case, is DISMISSED WITH
16 PREJUDICE.
- 17 2. LifeScan's claim for monetary damages based on infringement of the '862 patent in the
18 11-4494 Case is DISMISSED WITH PREJUDICE.
- 19 3. LifeScan's claim for monetary damages based on the Lanham Act and related state law
20 provisions in the 12-6360 Case is DISMISSED WITH PREJUDICE.
- 21 4. The stays previously entered in the 11-4494 Case remain in effect.
- 22 5. Cases 11-4494 and 12-6360 are otherwise consolidated for discovery and trial pursuant to
23 Rule 42 of the Federal Rules of Civil Procedure.

24
25 SO ORDERED.

26 Dated: June 19, 2015

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28 
Hon. William H. Orrick
United States District Judge