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18 Attorneys for Plaintiff  
 19 GENETIC TECHNOLOGIES LIMITED

20 **UNITED STATES DISTRICT COURT**  
 21 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
 22 **SAN FRANCISCO DIVISION**

23 GENETIC TECHNOLOGIES LIMITED,  
 24 an Australian corporation,  
 25  
 26 Plaintiff,  
 27  
 28 v.  
 29 AGILENT TECHNOLOGIES, INC.,  
 30 a Delaware corporation,  
 31  
 32 Defendant.

CASE NO. 3:12-cv-01616-RS

**JOINT STIPULATION TO STAY  
 LITIGATION PENDING RESOLUTION OF  
 THE EX PARTE REEXAMINATION OF  
 THE PATENT IN SUIT AS MODIFIED BY THE  
 COURT**

Courtroom: 3  
 Judge: Hon. Richard Seeborg

WHEREAS, Plaintiff Genetic Technologies Limited ("GTG") filed the above-captioned action against Defendant Agilent Technologies, Inc. ("Agilent"), alleging infringement of U.S. Patent No. 5,612,179 (the "patent in suit"), which expired on March 9, 2010;

1           WHEREAS, on June 28, 2012, the United States Patent & Trademark Office ("PTO")  
2 granted a request for *ex parte* reexamination of the patent in suit made by Merial L.L.C., a  
3 defendant accused of infringing the patent in suit in another action, which is currently pending in  
4 the District of Delaware.

5           WHEREAS, because the patent in suit has expired, the claims of the patent in suit must  
6 either be confirmed or rejected in their current form in the *ex parte* reexamination; they cannot be  
7 amended;  
8

9           WHEREAS, the parties have conferred and agreed that a stay of this action under the  
10 circumstances is in the best interest of both parties and promotes judicial economy; and

11           WHEREAS, plaintiff GTG has agreed that if all claims subject to the *ex parte*  
12 reexamination are found to be unpatentable, it will dismiss its complaint against Agilent with  
13 prejudice;  
14

15           IT IS HEREBY STIPULATED and agreed, subject to the approval of the Court, that this  
16 action will remain stayed pending completion of all reexamination proceedings at the PTO  
17 involving the patent in suit (including all appeals and subsequent proceedings before the PTO or  
18 United States Court of Appeals for the Federal Circuit).

19           IT IS FURTHER STIPULATED and agreed, subject to the approval of the Court, that  
20 within ten (10) business days after the final completion of all reexamination proceedings  
21 (including all appeals and subsequent proceedings before the PTO or United States Court of  
22 Appeals for the Federal Circuit), the parties shall jointly notify the Court in writing of the  
23 completion of the reexamination proceeding, and counsel for both parties shall contact chambers  
24 to schedule a status teleconference.  
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26           IT IS FURTHER ORDERED that the parties must submit a joint status report every 120 days,  
27 from the date of this order, advising the Court as to the state of reexamination proceedings.  
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DATED: August 27, 2012

SHERIDAN ROSS P.C.

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ATTORNEYS FOR PLAINTIFF  
GENETIC TECHNOLOGIES LIMITED

1 DATED: August 27, 2012

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ATTORNEYS FOR DEFENDANT  
AGILENT TECHNOLOGIES, INC.

It is so ORDERED.

Dated: 8/28 , 2012

  
\_\_\_\_\_  
Honorable Richard Seeborg  
United States District Judge  
Northern District of California