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10 Attorneys for Plaintiffs  
 ARK Diagnostics, Inc.

11 UNITED STATES DISTRICT COURT  
 12 NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION  
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14  
 15 ARK DIAGNOSTICS, INC., a California  
 corporation,

16 Plaintiffs,

17 v.

18 THERMO FISHER SCIENTIFIC INC., a  
 19 Delaware corporation; and SERADYN  
 INC., a Delaware corporation,

20 Defendants.  
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Case No. 09-3132 PJH

**STIPULATION OF DISMISSAL WITH  
 PREJUDICE AND ORDER**

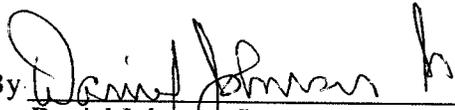
22  
 23 The undersigned hereby stipulate pursuant to the terms of their settlement agreement that  
 24 the instant action, Case No. 09-3132 PJH, is hereby dismissed with prejudice. Each party shall  
 25 bear its own costs, expenses and attorneys' fees.

26 SO STIPULATED.  
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Dated: November 5, 2009

MORGAN, LEWIS & BOCKIUS LLP

By   
Daniel Johnson, Jr.  
Attorneys for Plaintiffs  
ARK DIAGNOSTICS, INC.

Dated: November 3, 2009

By   
Denise Riemann  
Attorneys for Defendants  
THERMO FISHER SCIENTIFIC INC. and  
SERADYN INC.

11/17/09

