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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  
SAN JOSE DIVISION

Agilent Technologies Inc.,  
Plaintiff,  
v.  
Affymetrix, Inc.,  
Defendant.


NO. C 06-05958 JW

**ORDER CONTINUING CASE  
MANAGEMENT CONFERENCE**

This case is scheduled for a Case Management Conference on September 28, 2009. The parties filed a Joint Case Management Statement. (See Docket Item No. 84.) Upon review of the Joint Statement, the Court finds good cause to continue the Case Management Conference pending the Federal Circuit's ruling on Defendant's petition for rehearing *en banc*.

Accordingly, the Court continues the September 28, 2009 Case Management Conference to **November 9, 2009 at 10 a.m.** On or before **October 30, 2009**, the parties shall file a Joint Case Management Statement. The Statement shall include, among other things, an update on the *en banc* petition and to the extent relevant, the parties' proposed schedule on how the case should proceed.

Dated: September 24, 2009

  
\_\_\_\_\_  
JAMES WARE  
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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7

8 **Dated: September 24, 2009**

**Richard W. Wieking, Clerk**

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**By:           /s/ JW Chambers**  
**Elizabeth Garcia**  
**Courtroom Deputy**

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