

1 Thomas H. Jenkins (*Pro Hac Vice*)  
 tom.jenkins@finnegan.com  
 2 Tina E. Hulse (CA Bar No. 232936)  
 tina.hulse@finnegan.com  
 3 FINNEGAN, HENDERSON, FARABOW,  
 GARRETT & DUNNER, L.L.P.  
 4 Stanford Research Park  
 3300 Hillview Avenue  
 5 Palo Alto, California 94304-1203  
 Telephone: (650) 849-6600  
 6 Facsimile: (650) 849-6666

7 Attorneys for Plaintiff  
 AGILENT TECHNOLOGIES, INC.

8 Barbara A. Caulfield (CA Bar No. 108999)  
 bcaulfield@dl.com  
 9 Michael J. Malecek (CA Bar No. 171034)  
 mmalecek@dl.com  
 10 Stephen C. Holmes (CA Bar No. 200727)  
 sholmes@dl.com  
 11 DEWEY & LEBOEUF  
 12 1950 University Avenue, Suite 500  
 East Palo Alto, California 94303-2225  
 13 Telephone: (650) 845-7000  
 Facsimile: (650) 845-7333

14 Attorneys for Defendant  
 15 AFFYMETRIX, INC.

17 UNITED STATES DISTRICT COURT  
 18 NORTHERN DISTRICT OF CALIFORNIA  
 19 SAN JOSE DIVISION

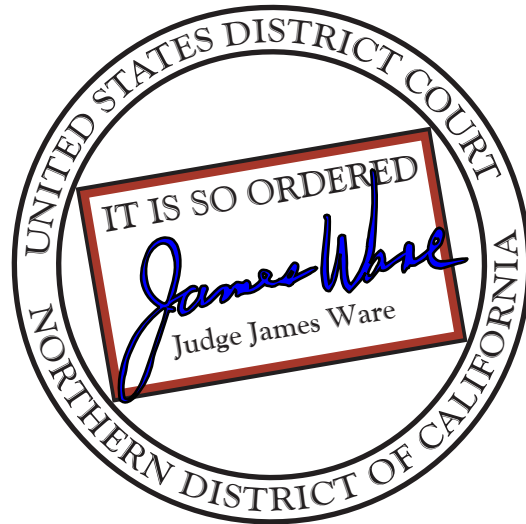
21 AGILENT TECHNOLOGIES, INC.

22 Plaintiff,

23 v.

24 AFFYMETRIX, INC.

25 Defendant.



CASE NO. C 06-05958 JW (PVT)

**JOINT CASE MANAGEMENT  
 STATEMENT REQUESTING  
 CONTINUANCE OF CASE  
 MANAGEMENT CONFERENCE AND  
 PROPOSED ORDER**

Date: November 9, 2009  
 Time: 10:00 a.m.  
 Courtroom: 8, 4<sup>th</sup> Floor  
 Judge: Hon. James Ware

1 In its Order of September 24, 2009 (Dkt. 85), the Court scheduled a case management  
2 conference on November 9, 2009. The parties are currently in active negotiations regarding  
3 settlement and jointly request a continuance of the case management conference to allow the parties  
4 sufficient time to discuss resolution of the case. As such, the parties jointly request continuing the  
5 case management conference five (5) weeks until December 14, 2009 (or any date thereafter as the  
6 Court's schedule permits).

7 Pursuant to General Order No. 45 X.B, the electronic filer of this document attests under  
8 penalty of perjury that he/she has the concurrence of each of the signatories to this Joint Case  
9 Management Statement.

10  
11  
12 Dated: October 29, 2009

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

13  
14  
15 By: /s/ Tina E. Hulse  
Tina E. Hulse

16 Thomas H. Jenkins (Admitted *Pro hac vice*)  
17 tom.jenkins@finnegan.com  
18 FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.  
19 901 New York Avenue  
Washington, D.C. 20001-4413  
20 Telephone: (202) 408-4000  
Facsimile: (202) 408-4400

21 Tina E. Hulse (CA Bar No. 232936)  
22 tina.hulse@finnegan.com  
FINNEGAN, HENDERSON, FARABOW,  
23 GARRETT & DUNNER, L.L.P.  
3300 Hillview Avenue  
24 Palo Alto, CA 94304-1203  
Telephone: (650) 849-6600  
25 Facsimile: (650) 849-6666

26 Attorneys for Plaintiff  
AGILENT TECHNOLOGIES, INC.

1 Dated: October 29, 2009

AFFYMETRIX, INC.

2  
3 By: /s/ Stephen Holmes  
Stephen Holmes

4 Barbara A. Caulfield (CA Bar No. 108999)  
bcaulfield@dl.com

5 Michael J. Malecek (CA Bar No. 171034)  
mmalecek@dl.com

6 Stephen C. Holmes (CA Bar No. 200727)  
sholmes@dl.com

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8 1950 University Avenue, Suite 500  
East Palo Alto, California 94303-2225

9 Telephone: (650) 845-7000

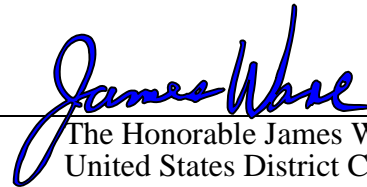
Facsimile: (650) 845-7333

10 Attorneys for Defendant  
11 AFFYMETRIX, INC.

1 ~~PROPOSED~~ CASE MANAGEMENT ORDER

2 The Case Management Conference set for November 9, 2009, is continued five (5) weeks  
3 **December 14, 2009 at 10 a.m.** On or before December 4, the parties shall file a Joint Case  
4 Management Statement. The Statement shall include, among other things, the parties' proposed  
5 schedule on how the case should proceed and an update on the parties' settlement efforts.  
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9 Dated: November 3, 2009

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The Honorable James Ware  
United States District Court Judge  
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