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8 Attorneys for Plaintiffs  
9 ABBOTT DIABETES CARE INC. AND ABBOTT  
10 LABORATORIES,

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN JOSE DIVISION

14 ABBOTT DIABETES CARE INC. and  
15 ABBOTT LABORATORIES,,

16 Plaintiffs,

17 vs.

18 AGAMATRIX, INC.,

19 Defendant.

CASE NO. C 06 07268-JF

ORDER GRANTING

**JOINT MOTION TO VACATE HEARING  
ON ORDER TO SHOW CAUSE AND SET  
CASE MANAGEMENT CONFERENCE**

1  
2 On October 2, 2008, the Court granted the parties request to stay this matter  
3 pending the outcome of appeals in *Abbott Diabetes Care, Inc. et al. v. Roche Diagnostics Corp, et*  
4 *al.*, Case No. 3:05-CV-03117 WHA and *TheraSense, Inc. and Abbott Laboratories v. Becton*  
5 *Dickinson and Co. and related cases*, Case Nos. C04-2123 WHA, C04-3327 WHA, C04-3732  
6 WHA. A petition of rehearing en banc and potential petitions for certiorari remain pending in  
7 those appeals.  
8

9 On March 25, 2010, this Court issued an Order to Show Cause why this case  
10 should not be dismissed with a return date of April 23, 2010. The parties jointly request that the  
11 Order to Show Cause be taken off calendar and that instead a case management conference be set  
12 for Friday, May 21, 2010. The brief delay in the CMC is requested to give the parties a short  
13 period to determine whether a settlement of this litigation is possible given the outcome of the  
14 appeals to date. The parties are currently discussing a concrete proposal that would resolve this  
15 entire case.  
16

17  
18 DATED: April 13, 2010

MUNGER, TOLLES & OLSON, LLP  
ROHIT SINGLA

19  
20 By: /s/ Rohit Singla  
ROHIT SINGLA

21  
22 Attorneys for Plaintiffs  
ABBOTT DIABETES CARE INC.  
23 and ABBOTT LABORATORIES

24 DATED: April 13, 2010

GOODWIN PROCTOR LLP  
J. ANTHONY DOWNS (*pro hac vice*)

25  
26 By: /s/ J. Anthony Downs  
J. ANTHONY DOWNS

27 Attorneys for Defendant  
28 AGAMATRIX, INC.

IT IS SO ORDERED.  
Dated: 4/14/2010

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JEREMY FOGEL  
United States District Judge