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| 13 | Attorneys for Plaintiffs | |
| 14 | CELLECTRICON AB and GYROS AB | |
| 15 | UNITED STATES DISTRICT COURT | |
| | NORTHERN DISTRICT OF CALIFORNIA | |
| 17 | SAN JOSE DIVISION | |
| 18 | | |
| 19 20 | CELLECTRICON AB and GYROS AB, | Civil Action No. 5:09-cv-03150-RMW |
| 20 | Plaintiffs, | STIPULATION AND [] ORDER |
| 21 | | CONTINUING INITIAL CASE MANAGEMENT CONFERENCE AND |
| 22 | V. | RELATED DEADLINES |
| 23 | FLUXION BIOSCIENCES, INC., | [Civil Local Rules 6-2 and 7-12] |
| 24 | | Current CMC Date: June 4, 2010 |
| 25 | Defendant. | Proposed New CMC Date: June 11, 2010 |
| 26 | | Courtroom 6, 4 th Floor |
| 27 | | Honorable Ronald M. Whyte, U.S. District Judge |
| 28 | | |
| | W02-WEST:6NB1\402648678.1 Civil Action No. 5:09-cv-03150-RMW | -1- STIPULATION AND [] ORDER CONTINUING INITIAL CMC AND RELATED DEADLINES |
| | | |

| 1 | The following stipulation requests that the Court continue the June 4, 2010 Case | | |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------|--|--|
| 2 | Management Conference ("CMC") in this action to June 11, 2010 at 10:30 a.m., continue the | | |
| 3 | deadline to file a Joint Case Management Statement from May 28, 2010 to June 4, 2010, and | | |
| 4 | continue all related deadlines accordingly. | | |
| 5 | STIPULATION | | |
| 6 | Pursuant to Civil Local Rules 6-2 and 7-12, Plaintiffs CELLECTRICON AB and | | |
| 7 | GYROS AB (collectively, "Plaintiffs") and Defendant FLUXION BIOSCIENCES, INC. | | |
| 8 | ("Defendant"), through their respective counsel of record, stipulate and request as follows: | | |
| 9 | | | |
| 10 | 1. WHEREAS, on May 5, 2010, this Court issued a Notice of Order Setting | | |
| 11 | Case Management Conference setting the initial CMC in this action for June 4, 2010 at 10:30 | | |
| 12 | a.m., setting the deadline to file a Joint Case Management Statement for May 28, 2010, and | | |
| 13 | effectively setting other related pre-CMC deadlines that depend from the CMC date [Docket No. | | |
| 14 15 | 50]; | | |
| 15 16 | 2. WHEREAS, counsel for Plaintiffs at the Edwards Angell law firm in | | |
| 17 | Boston, Massachusetts do not intend to travel to California to attend the CMC in person, but | | |
| 18 | Plaintiffs do desire that Plaintiffs' counsel Neil A. Smith at the Sheppard Mullin law firm attend | | |
| 19 | in person to represent Plaintiffs at the CMC; | | |
| 20 | 3. WHEREAS, Mr. Smith has prior plans to be in New York City on June 4, | | |
| 21 | 2010 [Declaration of Neil A. Smith at \P 2]; | | |
| 22 | | | |
| 23 | 4. WHEREAS, a brief one-week continuance of the CMC and related | | |
| 24 | deadlines will make the CMC more meaningful by allowing counsel for Plaintiffs to attend and | | |
| 25 | participate in person and therefore serve the interests of efficiency and economy for case | | |
| 26 | management going forward; | | |
| 27 | | | |
| 28 | | | |
| | W02-WEST:6NB1\402648678.1 Civil Action No. 5:09-cv-03150-RMW STIPULATION AND [] ORDER CONTINUING INITIAL CMC AND RELATED DEADLINES | | |
| | RELATED DEADLINES | | |

| 1 | 5. WHEREAS, the Court has advised through its Courtroom Deputy that the | | |
|--------|----------------------------------------------------------------------------------------------------------------|--|--|
| 2 | Court is available, and there have been no previous time modifications relating to the CMC in this | | |
| 3 | action, other than that the originally-scheduled initial CMC was vacated when the case was | | |
| 4 | reassigned to this Honorable Court [Docket No. 19]; and | | |
| 5 | 6. WHEREAS, a brief one-week continuance of the CMC and related | | |
| 6 7 | deadlines will not have an appreciable effect on the overall schedule for this case; | | |
| 8 | NOW, THEREFORE, IT IS HEREBY STIPULATED AND REQUESTED | | |
| 9 | | | |
| 10 | that the Court continue the June 4, 2010 CMC in this action to June 11, 2010 at 10:30 a.m., | | |
| 10 | continue the deadline to file a Joint Case Management Statement from May 28, 2010 to June 4, | | |
| 11 | 2010, and continue all related deadlines accordingly. | | |
| 12 | | | |
| 13 | DATED: May 14, 2010 SHEPPARD MULLIN RICHTER & HAMPTON LLP | | |
| 15 | | | |
| 16 | By: <u>/s/ Neil A. Smith</u> Neil A. Smith | | |
| 17 | Attorneys for Plaintiffs | | |
| 18 | CELLECTRICON AB and GYROS AB | | |
| 19 | DATED: May 14, 2010 ORRICK, HERRINGTON & SUTCLIFFE LLP | | |
| 20 | | | |
| 21 | By: <u>/s/ Eric L. Wesenberg</u> Eric L. Wesenberg | | |
| 22 | Attorneys for Defendant | | |
| 23 | FLUXIÓN BIOSCIENCES, INC. | | |
| 24 | <u>E-Filing Attestation</u> : Counsel for Plaintiffs whose electronic signature appears above certifies | | |
| 25 | by his electronic signature that counsel for Defendant whose electronic signature appears above | | |
| 26 | has concurred in this filing. | | |
| 27 | | | |
| 28 | | | |
| | W02-WEST:6NB1\402648678.1 -3- CILINATION AND [] ORDER CONTINUING INITIAL CMC AND | | |
| | Civil Action No. 5:09-cv-03150-RMW RELATED DEADLINES | | |

| 1 | <u>ORDER</u> | |
|----|-----------------------------------------------------------------|------------------------------------------------------------------------------------|
| 2 | | |
| 3 | PURSUANT TO STIPULATION | N, IT IS SO ORDERED. |
| 4 | | |
| 5 | | ρ |
| 6 | Datad: 5/20/10 | Ronald M. Whyte |
| 7 | Dated: | Honorable Ronald M. Whyte |
| 8 | | United States District Court Judge |
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| | W02-WEST:6NB1\402648678.1 Civil Action No. 5:09-cv-03150-RMW | -4- STIPULATION AND [] ORDER CONTINUING INITIAL CMC AND RELATED DEADLINES |

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