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17 Attorneys for Plaintiffs
18 CELLECTRICON AB and GYROS AB
19

20 UNITED STATES DISTRICT COURT
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NORTHERN DISTRICT OF CALIFORNIA

22 SAN JOSE DIVISION

E-FILED - 10/13/10

23 CELLECTRICON AB and GYROS AB,

24 Case No. 3:09-cv-03150 (RMW)

25 Plaintiff,

**JOINT STIPULATION AND
[] ORDER CONTINUING
CASE MANAGEMENT
CONFERENCE**

26 v.

27 FLUXION BIOSCIENCES, INC.,

28 Defendant.

Date: October 29, 2010

Time: 10:30

Ctrm: 6, 4th Floor

29 Pursuant to Civil Local Rule 7-12, Plaintiffs Collectricon AB and Gyros AB ("Plaintiffs")

30 and Defendant Fluxion Biosciences, Inc. ("Fluxion"), by and through their respective counsel of
31 record, respectfully submit this Joint Stipulation and Proposed Order seeking a continuance of the
32 case management conference from October 15, 2010 at 10:30 a.m. to October 29, 2010 at 10:30
33 a.m.

34 WHEREAS, on July 26, 2010, the Court ordered the parties to submit a joint status
35 conference statement by October 1, 2010 and to appear at a case management conference on
36 October 8, 2010 at 10:30 a.m. to report on the status of Fluxion's reexamination requests and

37
38 STIPULATION TO CONTINUE HEARING DATE
CASE NO. 09-cv-3150 RMW

1 present their respective positions with regard to whether the stay should be continued, lifted, or
2 modified at that time;

3 WHEREAS, on September 30, 2010, the Court reset the case management conference for
4 October 15, 2010 at 10:30 a.m. and that the parties should submit the joint status conference
5 statement by October 8, 2010;

6 WHEREAS, Fluxion's counsel is unavailable on October 15, 2010 and Plaintiffs' counsel
7 is unavailable on October 22; and

8 WHEREAS, the parties agree to conduct the case management conference on October 29,
9 2010 at 10:30 a.m., subject to the court's convenience, and that the joint status conference
10 statement should be filed by October 22, 2010;

11 THEREFORE, IT IS HEREBY STIPULATED AND AGREED THAT:

12 The Case Management Conference, presently scheduled for October 15, 2010, may be
13 continued to October 29, 2010, or as soon thereafter as the Court's schedule will allow, and that
14 the case management conference statement will be filed by October 22, 2010.

15 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

16 Dated: October 8, 2010

ERIC WESENBERG
ELIZABETH A. HOWARD
DEBORAH E. FISHMAN
JASON S. ANGELL
ORRICK, HERRINGTON & SUTCLIFFE LLP

20 /s/ Jason S. Angell

21 Jason S. Angell
Attorneys for Defendant
Fluxion Biosciences, Inc.

22 Dated: October 8, 2010

NEIL ARTHUR SMITH
ROPERS, MAJESKI, KOHN & BENTLEY

24 /s/ Neil Arthur Smith

25 Neil Arthur Smith
Attorneys for Plaintiffs
26 Celleclicon AB and Gyros AB

1 PURSUANT TO STIPULATION, IT IS SO ORDERED

2 Dated: 10/13, 2010

Ronald M. Whyte

3 HON. RONALD M. WHYTE
4 UNITED STATES DISTRICT JUDGE

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FILERS ATTESTATION

2 Pursuant to General Order No. 45, Section X (B) regarding signatures, I, Jason S. Angell,
3 hereby attest that the concurrence in the filing of this document has been obtained from Neil
4 Arthur Smith, Attorney for Plaintiffs, Cellecetricon AB and Gyros AB.

/s /Jason S. Angell

Jason S. Angell

]] ORDER

Based upon the parties' stipulation, and FOR GOOD CAUSE shown,

3 IT IS HEREBY ORDERED THAT the Case Management Conference, presently
4 scheduled for October 15, 2010, is continued to October 29, 2010 and that the joint case
5 management conference statements is due October 22, 2010.

6 Dated: 10/13, 2010

Ronald M. Whyte

HON. RONALD M. WHYTE
UNITED STATES DISTRICT JUDGE

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