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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ABAXIS, INC.,

Plaintiff-
Counterdefendant,

v.

CEPHEID,

Defendant-
Counterclaimant.

Case No. C 10-2840 LHK (HRL)

**STIPULATION AND ~~PROPOSED~~ ORDER
EXTENDING DEADLINE TO FILE JOINT
PRE-TRIAL STATEMENT**

Pursuant to Civil Local Rules 6-1, 6-2, and 7-12 Plaintiff-Counterdefendant Abaxis Inc. (“Abaxis”) and Defendant-Counterclaimant Cepheid (“Cepheid”) respectfully submit the following Stipulation and Proposed Order:.

WHEREAS, the Court ordered the parties to file a Joint Pre-Trial Statement on August 15, 2012;

WHEREAS, the Joint Pre-Trial Statement is being filed this morning, August 16, 2012;

WHEREAS, the parties in good faith attempted to reach agreement on as many issues as possible in order to streamline issues to be presented to the Court and the jury for trial;

WHEREAS, any delay in filing was caused by continued discussions between the parties on areas of potential agreement that would streamline the case;

WHEREAS, these discussions continued past 9pm yesterday, and have in fact resulted in further agreements on issues such as the use of exemplar products in the case;

WHEREAS, the parties apologize for the delay and respectfully request entry of the joint pre-trial statement;

WHEREAS, the previous time modifications in this case include the Stipulation and Order Extending (1) Cepheid’s Time to File Its Answer and Amended Counterclaims to Amended

1 Complaint, and (2) Abaxis' Time to File Its Response to Counterclaims (Dkt. No. 28), the
2 Stipulation and Order Modifying Case Schedule (Dkt. No. 31); the Stipulation and Order
3 Continuing Hearing and Case Management Conference (Dkt. No. 38); the Minute Order and Case
4 Management Order (Dkt. No. 44); the Stipulation and Order Extending Deadlines for Mediation
5 and Joint Case Management Statement (Dkt. No. 65); the Order Regarding Case Schedule and
6 Briefing of Motion to Dismiss (Dkt. No. 67); the Minute Order and Case Management Order
7 (Dkt. No. 84); the Stipulation and Order Extending Time for Abaxis to Respond to Cepheid's
8 Motion for Partial Summary Judgment (Dkt. No. 90); the Minute and Order and Case
9 Management Order (Dkt. No. 110); the Minute Order and Case Management Order (Dkt. No.
10 133); the Order re Expediting Briefing Schedule (Dkt. No. 145); Order Modifying Schedule for
11 Expert Reports (Dkt. No. 162); Order Modifying Schedule for Expert Deposition (Dkt. No. 167);
12 and Case Management Order (Dkt. No. 199);

13 WHEREAS, the delay will not affect any other filing deadline or hearing date;

14 NOW, THEREFORE, the parties stipulate to an extension of the deadline to file and entry
15 of the Joint Pre-Trial Statement.

16
17 **IT IS SO STIPULATED.**

18
19 Dated: August 16, 2012

Dated: August 16, 2012

20 COOLEY LLP

FISH & RICHARDSON PC

21 /s/ Ricardo Rodriguez

/s/ Steven Carlson

22 Ricardo Rodriguez (Bar No. 173003)

Steven Carlson (Bar No. 206451)

23 Bryan J. Boyle (Bar No. 253725)

Limin Zheng (Bar No. 226875)

24 Lam K. Nguyen (Bar No. 265285)

Attorneys for Defendant and Counterclaimant

Attorneys for Plaintiff and Counterdefendant
25 ABAXIS INC.

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~~PROPOSED~~ ORDER

Pursuant to the stipulation of the parties and good cause appearing therefore;

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: August 17, 2012



Honorable Lucy H. Koh
United States District Judge