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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ABAXIS, INC.,)	Case No.: 10-CV-02840-LHK
)	
Plaintiff,)	ORDER REGARDING CASE
v.)	SCHEDULE AND BRIEFING OF
)	MOTION TO DISMISS
CEPHEID,)	
)	
Defendant.)	

The Court held a tutorial in this case on June 15, 2011. As discussed at the tutorial, the Court hereby orders the following schedule for the briefing of Abaxis’s Motion to Dismiss Cepheid’s Inequitable Conduct Defenses and Counterclaim:

- (1) By June 17, 2011, Abaxis shall withdraw the motion to dismiss filed on April 26, 2011.
- (2) By June 17, 2011, Cepheid shall file an amended answer and counterclaim.
- (3) By June 29, 2011, Abaxis shall file an amended motion to dismiss.
- (4) Cepheid’s opposition brief shall be due July 15, 2011.
- (5) Abaxis’s reply brief shall be due July 22, 2011.
- (6) The hearing on Abaxis’s amended motion to dismiss shall be held, as currently scheduled, on August 4, 2011 at 1:30 p.m., to be followed by a case management conference. One week before the hearing, the parties shall file a joint case management statement that includes a proposed case schedule through trial.

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In addition, the Court orders the following modifications to the case schedule:

(1) The case management conference currently set for August 31, 2011 is VACATED.

(2) By September 2, 2011, the parties shall file a post-mediation status report indicating whether the parties reached a settlement, and, if not, whether the mediation assisted in narrowing the issues in the case. If the issues were narrowed such that the case schedule may be abbreviated, the parties should propose a revised schedule.

IT IS SO ORDERED.

Dated: June 15, 2011



LUCY H. KOH
United States District Judge