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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

THE REGENTS OF THE UNIVERSITY
OF CALIFORNIA; and BECTON,
DICKINSON and COMPANY,

Plaintiffs,

v.

AFFYMETRIX, INC.; and LIFE
TECHNOLOGIES CORP.,

Defendants.

Case No.: 17-cv-01394-H-NLS

**ORDER GRANTING JOINT
MOTION FOR DETERMINATION
OF DISCOVERY DISPUTE NO. 8**

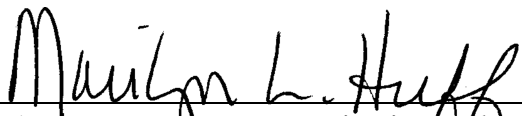
[Doc. No. 352.]

On February 15, 2019, the parties filed a one-page joint motion for determination of discovery dispute No. 8. (Doc. No. 352.) In the joint motion, Plaintiffs argue that certain statements contained in Defendants' expert report resulted in a subject matter waiver. (*Id.*)

On February 20, 2019, the Court held a telephonic hearing on the matter. Donald Ware, Barbara Fiacco, and Jesse Hindman appeared for Plaintiffs. Doug Lumish appeared for Defendants. For the reasons discussed at the hearing, the Court declines to find a subject matter waiver absent further order of the Court.

IT IS SO ORDERED.

DATED: February 20, 2019



MARILYN L. HUFF, District Judge
UNITED STATES DISTRICT COURT