

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Agilent Technologies, Inc.
Plaintiff(s),

CASE NO. C 06-05958 JW-PVT

v.

STIPULATION AND ~~PROPOSED~~
ORDER SELECTING ADR PROCESS

Affymetrix, Inc.
Defendant(s).

Counsel report that they have met and conferred regarding ADR and have reached the following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

The parties agree to participate in the following ADR process:

Court Processes:

- Non-binding Arbitration (ADR L.R. 4)
- Early Neutral Evaluation (ENE) (ADR L.R. 5)
- ☒ Mediation (ADR L.R. 6)

(Note: Parties who believe that an early settlement conference with a Magistrate Judge is appreciably more likely to meet their needs than any other form of ADR, must participate in an ADR phone conference and may not file this form. They must instead file a Notice of Need for ADR Phone Conference. See Civil Local Rule 16-8 and ADR L.R. 3-5)

Private Process:

Private ADR (please identify process and provider) _____

The parties agree to hold the ADR session by:

the presumptive deadline (*The deadline is 90 days from the date of the order referring the case to an ADR process unless otherwise ordered.*)

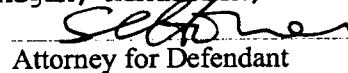
other requested deadline October 1, 2007

Dated: 12/13/06

Dated: 12/18/06



Attorney for Plaintiff Tina E. Hulse
Finnegan, Henderson, Farabow, Garrett & Dunner


Attorney for Defendant

Stephen C. Holmes
Affymetrix, Inc.

[~~PROPOSED~~] ORDER

Pursuant to the Stipulation above, the captioned matter is hereby referred to:

Non-binding Arbitration

Early Neutral Evaluation (ENE)

✓ Mediation

Private ADR

Deadline for ADR session

90 days from the date of this order.

✓ other October 1, 2007

IT IS SO ORDERED.

Dated: Dec 19 2006


UNITED STATES MAGISTRATE JUDGE
DISTRICT

CERTIFICATION

I, Stephen C. Holmes, am the ECF User whose identification and password are being used to file the **STIPULATION AND [PROPOSED] ORDER SELECTING ADR PROCESS**. In compliance with General Order 45.X.B, I hereby attest that all parties have concurred in this filing.

DATED: December 18, 2006

MICHAEL J. MALECEK
DANIEL R. REED
ANDREA L. GROSS
STEPHEN C. HOLMES
AFFYMETRIX, INC.

By: /s/ Stephen C. Holmes
Stephen C. Holmes

Attorneys for Defendant
AFFYMETRIX, INC.