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17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
19 SAN JOSE DIVISION
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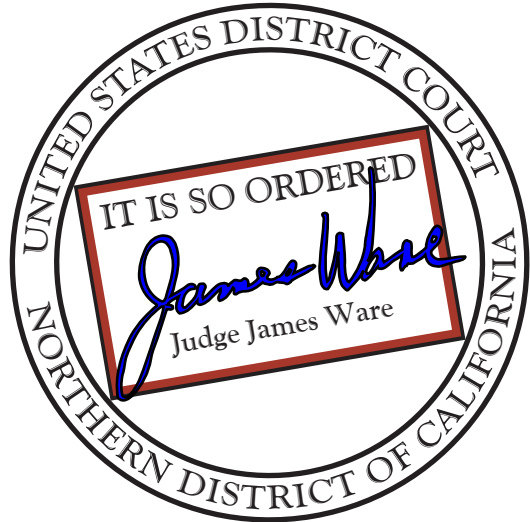
21 AGILENT TECHNOLOGIES, INC.

22 Plaintiff,

23 v.

24 AFFYMETRIX, INC.

25 Defendant.
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CASE NO. C 06-05958 JW (PVT)

**JOINT CASE MANAGEMENT
STATEMENT REQUESTING
CONTINUANCE OF CASE
MANAGEMENT CONFERENCE AND
[PROPOSED] ORDER**

Date: November 9, 2009
Time: 10:00 a.m.
Courtroom: 8, 4th Floor
Judge: Hon. James Ware

1 In its Order of September 24, 2009 (Dkt. 85), the Court scheduled a case management
2 conference on November 9, 2009. The parties are currently in active negotiations regarding
3 settlement and jointly request a continuance of the case management conference to allow the parties
4 sufficient time to discuss resolution of the case. As such, the parties jointly request continuing the
5 case management conference five (5) weeks until December 14, 2009 (or any date thereafter as the
6 Court's schedule permits).

7 Pursuant to General Order No. 45 X.B, the electronic filer of this document attests under
8 penalty of perjury that he/she has the concurrence of each of the signatories to this Joint Case
9 Management Statement.

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12 Dated: October 29, 2009

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

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15 By: /s/ Tina E. Hulse
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26 Attorneys for Plaintiff
AGILENT TECHNOLOGIES, INC.

1 Dated: October 29, 2009

AFFYMETRIX, INC.

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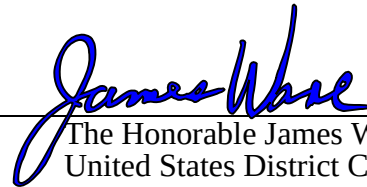
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11 AFFYMETRIX, INC.

PROPOSED CASE MANAGEMENT ORDER

The Case Management Conference set for November 9, 2009, is continued five (5) weeks **December 14, 2009 at 10 a.m.** On or before December 4, the parties shall file a Joint Case Management Statement. The Statement shall include, among other things, the parties' proposed schedule on how the case should proceed and an update on the parties' settlement efforts.

Dated: November 3, 2009


The Honorable James Ware
United States District Court Judge