

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

THIRD WAVE TECHNOLOGIES, INC.,

Plaintiff,

v.

STRATAGENE CORPORATION,

Defendant.

ORDER

04-C-680-C

A hearing on scheduling was held in this case by telephone on September 13, 2005, before United States District Judge Barbara B. Crabb. Mark Pals and Thomas Pasternak appeared for plaintiff. Marc Labgold and Kevin Bell appeared for defendant.

Mr. Pals reported that counsel were having difficulty working out an agreed upon form of injunction. If they are unable to agree on the form, plaintiff will file its proposed form of injunction no later than September 14, 2005. Defendant will have until September 21, 2005, in which to serve and file its response to the proposal.

Counsel agreed that no later than October 4, 2005, plaintiff would file its motion for attorney fees and enhanced damages and its bill of costs. At the same time, defendant will

file any Rule 50 or 59 motions it wishes to file. The response date will be October 25, 2005; the reply date will be November 1, 2005.

Also by October 4, 2005, plaintiff will try to complete and file its accounting submissions. This is a target date dependent on the entry of an injunction and the prompt exchange of sales figures.

Defendant asks that entry of the injunction be stayed pending resolution of its Rule 50 and 59 motions. Defendant may support that request in the response to the proposed form of the injunction that is due on September 21, 2005.

Entered this 14th day of September, 2005.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge