

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

EXONHIT THERAPEUTICS S.A. and
EXONHIT THERAPEUTICS, INC.,

Plaintiffs,

v.

JIVAN BIOLOGICS, INC.,

Defendant.

PRELIMINARY PRETRIAL
CONFERENCE ORDER

07-mc-1427-slc

On April 30, 2008, this court held a recorded telephonic hearing on plaintiff ExonHit Therapeutics S.A.'s motion to compel compliance with a Rule 45 subpoena. ExonHit and the subpoena target, NimbleGen Systems, Inc. both were represented by counsel at the hearing. The defendant in the underlying lawsuit, Jivan Biologics, Inc., did not participate.

Having read both sides's submissions and having discussed the dispute with both sides, I granted the motion to compel in principle and stayed a final ruling so that the parties could gather cost estimates and discuss further how they would like to implement the court's order. ExonHit is responsible for alerting the court either that the parties need further input from the court or that they have worked out the remainder of their issues and no further court action is necessary in this matter. There is no deadline in closing out this motion, but I do not want the parties wasting time if a quick, efficient denouement eludes them. Regardless how the parties end up paying for the actual discovery disclosures, each side will bear its own costs on the instant motion.

Entered this 1st day of May, 2008.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge