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[SEE SIGNATURE PAGE FOR ATTORNEY NAMES]

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

_____ )	
BOSTON SCIENTIFIC CORPORATION, )	
BOSTON SCIENTIFIC SCIMED, INC., )	
SCIMED LIFE SYSTEMS, INC., and )	
SCHNEIDER (EUROPE) GmbH, )	
Plaintiffs, )	
vs. )	
JOHNSON & JOHNSON )	
and CORDIS CORPORATION, )	
Defendants. )	
_____ )	

No. C 02-790 SI (filed Feb. 14, 2002)

**STIPULATION AND PROPOSED ORDER  
REGARDING JANUARY 22, 2009  
EVIDENTIARY HEARING**

The evidentiary hearing has been  
continued to MONDAY, FEBRUARY 2,  
2009, AT 10:00 A.M.

_____ )	
CORDIS CORPORATION, )	
Counterclaim-Plaintiff, )	
vs. )	
BOSTON SCIENTIFIC CORPORATION, )	
BOSTON SCIENTIFIC SCIMED, INC., )	
SCIMED LIFE SYSTEMS, INC., and )	
SCHNEIDER (EUROPE) GmbH, )	
Counterclaim-Defendants. )	
_____ )	

1 Plaintiffs Boston Scientific Corporation, Boston Scientific Scimed, Inc., Scimed Life  
2 Systems, Inc., and Schneider (Europe) GmbH (collectively "BSC") and Defendants Johnson &  
3 Johnson and Cordis Corporation ("Cordis") respectfully request that the Court conduct the January  
4 22, 2009 evidentiary hearing – where the Court will consider evidence on a reasonable rate for an  
5 ongoing royalty for Cordis's '594 patent – according to the following agreed procedure.

- 6 1. The parties will equally split the available hearing time and may use that time for  
7 direct examination and cross-examination of witnesses.
- 8 2. The parties agree that the May 9, 2008 Declaration of Lawrence Wu, the May 9, 2008  
9 Declaration of Marlene Valenti, the July 25, 2008 Declaration of Ray Sims, and the  
10 September 22, 2008 Declaration of Lawrence Wu (including the appendices and other  
11 attachments to the foregoing) shall be treated as though given as live testimony on  
12 direct at the hearing.
- 13 3. Only two witnesses will testify at the hearing: Lawrence Wu and Ray Sims. Cordis  
14 can, at its option, present a live direct from Dr. Wu (limited to matters addressed in  
15 his declarations), request that the Court treat his declarations as his direct testimony,  
16 or combine the two. In any event, Dr. Wu will be made available for live cross-  
17 examination by BSC at the hearing. BSC can, at its option, present a live direct from  
18 Mr. Sims (limited to the matters addressed in his declaration), request that the Court  
19 treat his declaration as his direct testimony, or combine the two. In any event, Mr.  
20 Sims will be made available for live cross-examination by Cordis at the hearing.
- 21 4. The parties shall exchange exhibit lists and marked copies of the exhibits themselves  
22 on January 15, 2009. These lists need not include demonstrative exhibits, exhibits  
23 that the parties intend to use solely for cross-examination of witnesses at the hearing,  
24 prior filings or orders from this case, or exhibits previously admitted at trial. To the  
25 extent that the parties wish to submit additional, new exhibits on the exhibit list, such  
26 exhibits shall be limited to those documents discussed or relied on in the declarations.
- 27 5. No later than January 20, 2009 at 3:00 p.m. Pacific Time, the parties shall exchange  
28 color copies of the demonstrative exhibits that they intend to use at the hearing.

Dated: December 31, 2008

By: /s/ Dominic E. Massa

By: /s/ William H. Baumgartner, Jr.

William F. Lee (Admitted in N.D. Cal.)  
(william.lee@wilmerhale.com)  
Dominic E. Massa (*Pro Hac Vice*)  
(dominic.massa@wilmerhale.com)  
WILMER CUTLER PICKERING HALE  
AND DORR LLP  
60 State Street

Robert B. Morrill (SBN 035488)  
(rmorrill@sidley.com)  
SIDLEY AUSTIN LLP  
555 California Street  
San Francisco, California 94104  
Telephone: (415) 772-1200  
Facsimile: (415) 772-7400

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Boston, Massachusetts 02109  
Telephone: (617) 526-6000  
Facsimile: (617) 526-5000  
  
Mark D. Selwyn (SBN 244180)  
Nathan L. Walker (SBN 206128)  
Christine Duh (SBN 228544)  
WILMER CUTLER PICKERING HALE  
AND DORR LLP  
1117 California Avenue  
Palo Alto, California 94304  
Telephone: (650) 858-6000  
Facsimile: (650) 858-6100  
Attorneys for Plaintiffs-Counterclaim  
Defendants BOSTON SCIENTIFIC  
CORPORATION, BOSTON SCIENTIFIC  
SCIMED, INC., SCIMED LIFE  
SYSTEMS, INC., and SCHNEIDER  
(EUROPE) GmbH

David T. Pritikin (*Pro Hac Vice*)  
(dpritikin@sidley.com)  
William H. Baumgartner, Jr. (*Pro Hac Vice*)  
(wbaumgartner@sidley.com)  
SIDLEY AUSTIN LLP  
One South Dearborn Street  
Chicago, Illinois 60603  
Telephone: (312) 853-7000  
Facsimile: (312) 853-7036  
  
Attorneys for Defendants  
JOHNSON & JOHNSON and  
CORDIS CORPORATION

SO ORDERED.

Dated: \_\_\_\_\_



\_\_\_\_\_  
SUSAN ILLSTON  
United States District Judge