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7 UNITED STATES DISTRICT COURT
 8 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 9 SAN FRANCISCO DIVISION

10	VNUS MEDICAL TECHNOLOGIES, INC.,)	CASE NO. C05-02972 MMC (JL)
11)	
12	Plaintiff,)	
13	v.)	[PROPOSED] ORDER AND JOINT
14	DIOMED HOLDINGS, INC., DIOMED)	STIPULATION OF DISMISSAL OF
15	INC., ANGIODYNAMICS, INC., and)	DEFENDANTS DIOMED HOLDINGS,
16	VASCULAR SOLUTIONS, INC.,)	INC. AND DIOMED INC.
17	Defendants.)	
18)	Judge: Hon. Maxine M. Chesney
)	
)	

19 The parties hereby stipulate, by and through their respective counsel, that defendants
 20 Diomed Holdings, Inc. and Diomed Inc. (together, "Diomed") be dismissed with prejudice from
 21 this action pursuant to Federal Rule of Civil Procedure 41(a)(1). The parties further stipulate to the
 22 dismissal with prejudice, pursuant to Federal Rule of Civil Procedure 41(c), of the counterclaims
 23 asserted by the Diomed defendants against plaintiff VNUS Medical Technologies, Inc. Each party
 24 will bear its own costs and attorneys' fees.

25 Since Diomed was the sole remaining defendant in this action following the dismissal of
 26 defendants AngioDynamics, Inc. and Vascular Solutions, Inc. by order dated June 6, 2008 (D.I.
 27 646), the parties request that the Court enter an order closing the action for all purposes.

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1 Dated: October 23, 2008

ATTORNEYS FOR PLAINTIFF
VNUS MEDICAL TECHNOLOGIES, INC.

/s/ Matthew B. Lehr
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7 Dated: October 23, 2008

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DIOMED HOLDINGS, INC. and DIOMED,
INC.

/s/ Michael A. Albert
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16 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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18 Dated: October 27, 2008

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20 MAXINE M. CHESNEY
21 United States District Judge
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