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 MAQUET CARDIOVASCULAR, L.L.C.

19 UNITED STATES DISTRICT COURT  
 20 NORTHERN DISTRICT OF CALIFORNIA  
 21 (SAN FRANCISCO DIVISION)

22 MAQUET CARDIOVASCULAR, L.L.C,

23 Plaintiff,

24 v.

25 TERUMO CORPORATION and TERUMO  
 26 CARDIOVASCULAR SYSTEMS  
 CORPORATION,

27 Defendants.  
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No. C-08-01735 JSW

**STIPULATION OF DISMISSAL WITH  
 PREJUDICE AND ~~PROPOSED~~ ORDER**

1 Plaintiff Maquet Cardiovascular L.L.C. (“Maquet”) and Defendants Terumo Cardiovascular  
2 Systems Corporation and Terumo Corporation (collectively, “Terumo”) hereby stipulate as follows:

3 1. Pursuant to Federal Rules of Civil Procedure 41(a)(1)(A)(ii), Maquet and Terumo  
4 hereby agree to dismiss with prejudice this lawsuit, including all claims filed therein.

5 2. Each party shall bear its own litigation costs, attorneys’ fess, and other expenses  
6 arising from or related to this litigation.  
7

8  
9 Dated: December 17, 2008

FISH & RICHARDSON P.C.

10  
11 By: /s/ Shelley K. Mack  
12 Shelley K. Mack

13 Attorneys for Defendants  
14 TERUMO CORPORATION AND TERUMO  
15 CARDIOVASCULAR SYSTEMS  
16 CORPORATION

17 Dated: December 17, 2008

BINGHAM McCUTCHEEN LLP

18 By: /s/ James G. Snell  
19 James G. Snell

20 Attorneys for Plaintiff  
21 MAQUET CARDIOVASCULAR, L.L.C.

22 Concurrence in the filing of this document has been obtained from James G. Snell, counsel  
23 for Plaintiff, Maquet Cardiovascular LLC.  
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~~[PROPOSED]~~ ORDER

Pursuant to the parties' stipulation, the Court **HEREBY DISMISSES WITH PREJUDICE** the above titled lawsuit, with each party to bear its own attorneys' fees and costs.

**IT IS SO ORDERED.**

DATED: December 17, 2008

  
\_\_\_\_\_  
The Honorable Jeffrey S. White  
United States District Judge

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