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6 Attorneys for Plaintiff
 VNUS Medical Technologies, Inc.

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

11	VNUS MEDICAL TECHNOLOGIES, INC.,	)	LEAD CASE NO. C08-03129 MMC
12)	
	Plaintiff,	)	CASE NO. C08-3129 MMC
13)	
	v.)	
14		)	STIPULATION AND [PROPOSED]
	BIOLITEC, INC., DORNIER MEDTECH	)	ORDER TO BIFURCATE AND STAY
15	AMERICA, INC., and NEW STAR LASERS,	)	THE EIGHTH THROUGH ELEVENTH
	INC. d/b/a COOLTOUCH, INC.,	)	COUNTERCLAIMS OF DEFENDANT
16		)	TOTAL VEIN SOLUTIONS, LLC, d/b/a/
	Defendants.	)	TOTAL VEIN SYSTEMS
17)	

18	VNUS MEDICAL TECHNOLOGIES, INC.,	)	CASE NO. C08-04234 MMC
19		)	(consolidated with C08-3129 MMC)
	Plaintiff,)	
20)	
	v.)	
21)	
	TOTAL VEIN SOLUTIONS, LLC d/b/a)	
22	TOTAL VEIN SYSTEMS,)	
23)	
	Defendant.)	
24)	
25)	

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 STIPULATION AND [PROPOSED] ORDER TO BIFURCATE AND STAY THE EIGHTH THROUGH
 ELEVENTH COUNTERCLAIMS OF DEFENDANT TOTAL VEIN SOLUTIONS, LLC, d/b/a/ TOTAL VEIN
 SYSTEMS CASE NOS. C08-03129 MMC & C08-04234 MMC

1 WHEREAS, Plaintiff VNUS Medical Technologies, Inc. (“VNUS”) filed a Complaint
2 against Defendant Total Vein Solutions, LLC, d/b/a Total Vein Systems (“TVS”) in the above-
3 captioned action on September 8, 2008 and filed a First Amended Complaint on November 14,
4 2008;

5 WHEREAS, TVS filed an Answer and Counterclaims against VNUS in response to the
6 First Amended Complaint on December 4, 2008 and filed a First Amended Answer and
7 Counterclaims on January 7, 2009;

8 WHEREAS, VNUS’s First Amended Complaint alleges that TVS has infringed the patents-
9 in-suit;

10 WHEREAS, the parties agree that significant court and party resources would be conserved
11 if discovery and trial on the issue of unenforceability is conducted prior to discovery and trial of
12 TVS’s Eighth through Eleventh Counterclaims;

13 NOW THEREFORE, it is hereby stipulated and agreed by the respective parties by and
14 through their counsel of record that TVS’s Eighth, Ninth, Tenth, and Eleventh Counterclaims are
15 bifurcated and stayed pending resolution of the remainder of the parties’ claims and counterclaims.
16

17 Dated: January 21, 2009

Respectfully Submitted,

18 ATTORNEYS FOR PLAINTIFF
19 VNUS MEDICAL TECHNOLOGIES, INC.

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21 By: s/ Diem-Suong T. Nguyen
22 Matthew B. Lehr (Bar No. 213139)
23 Diem-Suong T. Nguyen (Bar No. 237557)
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1 Dated: January 21, 2009

ATTORNEYS FOR DEFENDANT TOTAL
VEIN SOLUTIONS, LLC d/b/a TOTAL VEIN
SYSTEMS

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By: s/ John Karl Buche
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I hereby attest that I have on file written permission to sign this stipulation from all parties whose signatures are indicated by a “conformed” signature (/s/) within this e-filed document.

s/ Diem-Suong T. Nguyen
Diem-Suong T. Nguyen

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: January 26, 2009


MAXINE M. CHESNEY
United States District Judge