

1 Matthew B. Lehr (Bar No. 213139)  
 Suong T. Nguyen (Bar No. 237557)  
 2 David J. Lisson (Bar No. 250994)  
 Chung G. Suh (Bar No. 244889)  
 3 Jeremy Brodsky (Bar No. 257674)  
 DAVIS POLK & WARDWELL  
 4 1600 El Camino Real  
 Menlo Park, California 94025  
 5 Telephone: (650) 752-2000  
 Facsimile: (650) 752-2111

6 Attorneys for Plaintiff  
 7 VNUS Medical Technologies, Inc.

8 UNITED STATES DISTRICT COURT  
 9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 10 SAN FRANCISCO DIVISION  
 11

12 VNUS MEDICAL TECHNOLOGIES, INC., ) LEAD CASE NO. C08-03129 MMC  
 )  
 13 Plaintiff, ) CASE NO. C08-3129 MMC  
 )

14 v. )

15 BIOLITEC, INC., DORNIER MEDTECH ) **STIPULATION AND [PROPOSED]**  
 AMERICA, INC., and NEW STAR LASERS, ) **ORDER TO EXTEND PATENT L.R. 4-2**  
 16 INC. d/b/a COOLTOUCH, INC., ) **DEADLINE FOR EXCHANGE OF**  
 ) **PRELIMINARY CLAIM**  
 17 Defendants. ) **CONSTRUCTIONS AND EXTRINSIC**  
 ) **EVIDENCE**

18 AND ORDER THEREON

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19 VNUS MEDICAL TECHNOLOGIES, INC., ) CASE NO. C08-04234 MMC  
 ) (consolidated with C08-3129 MMC)

20 Plaintiff, )

21 v. )

22 TOTAL VEIN SOLUTIONS, LLC d/b/a )  
 23 TOTAL VEIN SYSTEMS, )

24 Defendant. )  
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1           WHEREAS, in its Pretrial Preparation Order (“Pretrial Order”) dated November 18, 2008  
2 the Court adopted the parties’ schedule for pretrial dates as set forth in the Joint Case Management  
3 Statements and Rule 26(f) Reports filed in the above-captioned cases on November 7, 2008;

4           WHEREAS, under the Pretrial Order the deadline for the parties to exchange their  
5 Preliminary Claim Constructions and Extrinsic Evidence pursuant to Patent L.R. 4-2 is April 3,  
6 2009;

7           WHEREAS, on December 16, 2008, the Court entered the parties’ Stipulation and Proposed  
8 Order Regarding Scheduling of Preliminary Infringement Contentions, Preliminary Invalidity  
9 Contentions, and Proposed Terms for Construction (Doc. Ent. 93), wherein the parties requested  
10 extensions of the dates within which to exchange their Preliminary Infringement Contentions,  
11 Preliminary Invalidity Contentions, and Proposed Terms for Construction pursuant to Patent L.R.  
12 3-1, 3-3 and 4-1, but failed to request a corresponding extension of the Patent L.R. 4-2 disclosure  
13 deadline, which is calculated from the date the parties exchanged their respective Patent L.R. 4-1  
14 lists of Proposed Terms for Construction;

15           WHEREAS rescheduling the Patent L.R. 4-2 disclosure deadline to account for the prior  
16 extension of dates will enable the parties to properly develop their positions and arguments related  
17 to claim construction;

18           WHEREAS this modification to the case schedule will not otherwise affect the dates set in  
19 the Pretrial Order, including the Claim Construction Hearing scheduled for August 17, 2009;

20           WHEREAS all previous time modifications in this case have related to: (1) the time for  
21 filing responsive pleadings; (2) the continuance of the initial Case Management Conference; (3) the  
22 hearing and briefing schedule on TVS’s Rule 12 motions;(4) the exchange of infringement and  
23 invalidity contentions and proposed terms for construction; and (5) the deadline to complete  
24 mediation.

25           NOW, THEREFORE, it is hereby stipulated and agreed by the respective parties, by and  
26 through their counsel of record:

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1           1.       The deadline for the parties to exchange their Preliminary Claim Constructions and  
2 Extrinsic Evidence pursuant to Patent L.R. 4-2 shall be moved from April 3 to April 8, 2009;

3           2.       All other deadlines in the Pretrial Order shall remain unchanged.  
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7 // Dated:   March 27, 2009

Respectfully Submitted,

8 ATTORNEYS FOR PLAINTIFF  
9 VNUS MEDICAL TECHNOLOGIES, INC.

10  
11 By:   /s/ Chung G. Suh  
12 Matthew B. Lehr (Bar No. 213139)  
13 Diem-Suong T. Nguyen (Bar No. 237557)  
14 David J. Lisson (Bar No. 250994)  
15 Chung G. Suh (Bar No. 244889)  
16 Jeremy Brodsky (Bar No. 257674)  
17 DAVIS POLK & WARDWELL  
18 1600 El Camino Real  
19 Menlo Park, CA 94025  
20 (650) 752-2000/(650) 752-2111 (fax)  
21 mlehr@dpw.com  
22 nguyen@dpw.com  
23 dlisson@dpw.com  
24 gsuh@dpw.com  
25 jbrodsky@dpw.com

26 ATTORNEYS FOR DEFENDANT BIOLITEC,  
27 INC.

28 Dated:   March 27, 2009

By:   /s/ Michael N. Rader  
Michael A. Albert (*pro hac vice*)  
Michael N. Rader (*pro hac vice*)  
Charles T. Steenburg (*pro hac vice*)  
WOLF, GREENFIELD & SACKS, P.C.  
600 Atlantic Avenue  
Boston, MA 02210  
(617) 646-8000/(617) 646-8646  
malbert@wolfgreenfield.com  
mrader@wolfgreenfield.com  
csteenburg@wolfgreenfield.com

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ATTORNEYS FOR DEFENDANT  
NEW STAR LASERS, INC. d/b/a  
COOLTOUCH, INC.

Dated: March 27, 2009

By: /s/ James W. Geriak  
James W. Geriak (Bar No. 32871)  
Allan W. Jansen (Bar No. 81992)  
Mark Stirrat (Bar No. 229448)  
ORRICK, HERRINGTON & SUTCLIFFE  
LLP  
4 Park Plaza, Suite 1600  
Irvine, CA 92614-2558  
(949) 567-6700/(949) 567-6710 (fax)  
jgeriak@orrick.com  
ajansen@orrick.com  
mstirrat@orrick.com

ATTORNEYS FOR DEFENDANT  
DORNIER MEDTECH AMERICA, INC.

Dated: March 27, 2009

By: /s/ Richard W. Miller  
A. Shane Nichols (*pro hac vice*)  
Richard W. Miller (*pro hac vice*)  
KING & SPALDING LLP  
1180 Peachtree Street, N.E.  
Atlanta, GA 30309-3521  
(404) 572-4600/(404) 572-5100  
snichols@kslaw.com  
rmiller@kslaw.com

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

Dated: March 27, 2009

By: /s/ John Karl Buche  
John Karl Buche  
Sean Sullivan  
BUCHE & ASSOCIATES, PC  
875 Prospect, Suite 305  
La Jolla, CA 92037  
Tel: (858) 812-2840  
Fax: (858) 459-9120  
jbuche@westerniplaw.com  
sean@westerniplaw.com

1 Pursuant to General Order No. 45, I hereby attest that I have concurrence to file this  
2 stipulation from all parties whose signatures are indicated by a “conformed” signature (/s/) within  
3 this e-filed document.

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/s/ Chung G. Suh  
Chung G. Suh

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: March 30, 2009

  
MAXINE M. CHESNEY  
United States District Judge