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 LP d/b/a VNUS Medical Technologies

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

11 TYCO HEALTHCARE GROUP LP d/b/a )  
 12 VNUS MEDICAL TECHNOLOGIES, )

13 Plaintiff, )

14 v. )

15 BIOLITEC, INC., and NEW STAR LASERS, )  
 INC. d/b/a COOLTOUCH, INC., )

16 Defendants. )  
 17 )

LEAD CASE NO. C08-03129 MMC

CASE NO. C08-03129 MMC

**CIVIL L.R. 7-12 STIPULATION AND  
 [PROPOSED] ORDER REGARDING  
 AMENDMENT OF INFRINGEMENT  
 CONTENTIONS**

18 TYCO HEALTHCARE GROUP LP d/b/a )  
 19 VNUS MEDICAL TECHNOLOGIES, )

20 Plaintiff, )

21 v. )

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

24 Defendant. )  
 25 )  
 26 )  
 27 )  
 28 )

CASE NO. C08-04234 MMC  
 (consolidated with C08-03129 MMC)

1           WHEREAS Plaintiff Tyco Healthcare Group LP d/b/a VNUS Medical Technologies  
2 (“VNUS”) served its Infringement Contentions pursuant to Patent L.R. 3-1 on February 12,  
3 2009—before substantial discovery in the above-captioned litigation had taken place and before  
4 certain of the Defendants’ accused products were commercialized;

5           WHEREAS despite diligent discovery efforts, VNUS was not aware of certain accused  
6 products of Defendants New Star Lasers, Inc. d/b/a CoolTouch, Inc. (“CoolTouch”) and Total  
7 Vein Solutions, LLC d/b/a Total Vein Systems (“TVS”) at the time its Infringement Contentions  
8 were due;

9           WHEREAS Patent Local Rule 3-6 permits parties to amend Infringement Contentions by  
10 Order of the Court;

11           WHEREAS VNUS provided Defendants with a [Proposed] Amendment to VNUS’s  
12 Infringement Contentions, attached hereto as Exhibit 1;

13           WHEREAS each of the accused products identified in the proposed amendment were  
14 disclosed in interrogatory responses of CoolTouch and TVS, as well as in the report of VNUS’s  
15 damages expert Julie L. Davis, after the service of VNUS’s Infringement Contentions;

16           WHEREAS the proposed amendment would not affect the schedule of the case; and

17           WHEREAS CoolTouch and TVS do not object to the proposed amendment;

18           NOW, THEREFORE, VNUS requests, and CoolTouch and TVS do not oppose, that the  
19 Court grant leave for VNUS to amend its Infringement Contentions to include the accused  
20 products identified in Exhibit 1.

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1 Dated: August 26, 2010

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/s/ Chung G. Suh  
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Dated: August 26, 2010

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Dated: August 26, 2010

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Attorneys for Defendant  
Total Vein Solutions, LLC d/b/a Total Vein  
Systems

I hereby attest that I have on file written (or e-mail) permission to sign this stipulation from all parties whose signatures are indicated by a “confirmed” signature (/s/) within this e-filed document.

Dated: August 26, 2010

/s/ Chung G. Suh  
Chung G. Suh

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

Dated: August 30, 2010

  
HON. MAXINE M. CHESNEY, U.S.D.