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 d/b/a VNUS Medical Technologies  
 6  
 7 (additional counsel on signature page)

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

|                                         |   |                                            |
|-----------------------------------------|---|--------------------------------------------|
| 11 TYCO HEALTHCARE GROUP LP d/b/a       | ) | LEAD CASE NO. C08-03129 MMC                |
| 12 VNUS MEDICAL TECHNOLOGIES,           | ) |                                            |
|                                         | ) | CASE NO. C08-03129 MMC                     |
| 13 Plaintiff,                           | ) |                                            |
|                                         | ) | <b>STIPULATION AND <del>PROPOSED</del></b> |
| 14 v.                                   | ) | <b>ORDER FOR DISMISSAL OF</b>              |
|                                         | ) | <b>DEFENDANT NEW STAR LASERS,</b>          |
| 15 BIOLITEC, INC., and NEW STAR LASERS, | ) | <b>INC. d/b/a COOLTOUCH, INC.</b>          |
| 16 INC. d/b/a COOLTOUCH, INC.,          | ) |                                            |
|                                         | ) |                                            |
| 17 Defendants.                          | ) |                                            |
|                                         | ) |                                            |
|                                         | ) |                                            |

|                                    |   |                                       |
|------------------------------------|---|---------------------------------------|
| 18                                 | ) |                                       |
| 19 TYCO HEALTHCARE GROUP LP d/b/a  | ) | CASE NO. C08-04234 MMC                |
| 20 VNUS MEDICAL TECHNOLOGIES,      | ) | (consolidated with Case No. C08-03129 |
|                                    | ) | MMC)                                  |
| 21 Plaintiff,                      | ) |                                       |
|                                    | ) |                                       |
| 22 v.                              | ) |                                       |
|                                    | ) |                                       |
| 23 TOTAL VEIN SOLUTIONS, LLC d/b/a | ) |                                       |
| 24 TOTAL VEIN SYSTEMS,             | ) |                                       |
|                                    | ) |                                       |
| 25 Defendant.                      | ) |                                       |
| 26                                 | ) |                                       |

1 WHEREAS, Plaintiff Tyco Healthcare Group LP d/b/a VNUS Medical Technologies  
2 (“VNUS”) and Defendant New Star Lasers, Inc. d/b/a CoolTouch, Inc. (“CoolTouch”) have entered  
3 into a Settlement Agreement resolving all claims asserted by VNUS against CoolTouch and all  
4 counterclaims asserted by CoolTouch against VNUS in the above-captioned action;

5 NOW THEREFORE, VNUS and CoolTouch hereby stipulate, by and through their  
6 respective counsel, as follows:

7  
8 1. CoolTouch is dismissed with prejudice from this action pursuant to Federal Rule of  
9 Civil Procedure 41(a)(2);

10  
11 2. The counterclaims asserted by CoolTouch against VNUS are dismissed with  
12 prejudice pursuant to Federal Rule of Civil Procedure 41(c);

13  
14 3. Each party will bear its own costs and attorneys’ fees;

15  
16 4. The caption shall be amended in all subsequent pleadings to reflect this dismissal.  
17

18 Dated: October 18, 2010

ATTORNEYS FOR PLAINTIFF TYCO  
HEALTHCARE GROUP LP d/b/a  
VNUS MEDICAL TECHNOLOGIES

19  
20 /s/ Matthew B. Lehr

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1 Dated: October 18, 2010

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

3 /s/ James W. Geriak

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

11 Dated: October 19, 2010

12   
13 THE HON. MAXINE M. CHESNEY  
United States District Judge

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