

1 JAMES W. GERIAK (State Bar No. 32871)
 jgeriak@orrick.com
 2 ALLAN W. JANSEN (State Bar No. 81992)
 ajansen@orrick.com
 3 ROBERT W. DICKERSON (State Bar No. 89367)
 rdickerson@orrick.com
 4 MARK STIRRAT (State Bar No. 229448)
 mstirrat@orrick.com
 5 ORRICK, HERRINGTON & SUTCLIFFE LLP
 4 Park Plaza, Suite 1600
 6 Irvine, CA 92614-2558
 Telephone: (949) 567-6700
 7 Facsimile: (949) 567-6710

8 Attorneys for Defendant
 NEW STAR LASERS, INC. d/b/a COOLTOUCH, INC.

10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 SAN FRANCISCO DIVISION

14
 15 VNUS MEDICAL TECHNOLOGIES, INC.,
 16 v.
 17 BIOLITEC, INC., DORNIER MEDTECH
 18 AMERICA, INC., and NEW STAR LASERS,
 19 INC. d/b/a COOLTOUCH, INC., DAVID S.
 CENTANNI, and TYRELL L. SCHIEK

Case No. C08-03129-MMC

**STIPULATION AND ~~PROPOSED~~
 ORDER CONTINUING CASE
 MANAGEMENT CONFERENCE**

AND ORDER SETTING DEADLINE TO
 SERVE DEFENDANT DORNIER
 MEDTECH AMERICA, INC.

20
 21
 22
 23
 24
 25
 26
 27
 28

OHS West:260509089.1

1 WHEREAS, a Case Management Conference is scheduled to take place on October 17,
2 2008, at 10:30 a.m., in Courtroom No. 7;

3 WHEREAS, lead counsel for defendant New Star Lasers, Inc. d/b/a Cooltouch, Inc.
4 (“Cooltouch”) will be out of the country on October 17, 2008;

5 WHEREAS, counsel for defendant biolitec, Inc. (“biolitec”) will be unavailable until after
6 November 7, 2008 as a result of an order received on September 17, 2008 in *Keurig, Inc. v. Kraft*
7 *Foods Global, Inc.* (D. Del. Civil Action No. 07-0017 GMS) (“Keurig”) rescheduling trial to
8 begin on October 30, 2008 and end on November 6, 2008. Trial had previously been scheduled
9 to begin on October 23 and end on October 30. The three attorneys from Wolf, Greenfield &
10 Sacks who have entered appearances on behalf of biolitec are all involved in the Keurig trial;

11 WHEREAS, the Court has indicated that November 14, 2008 is available for the Case
12 Management Conference;

13 NOW THEREFORE, plaintiff VNUS Medical Technologies, Inc. and defendants
14 Cooltouch and biolitec, through their respective counsel of record, hereby stipulate, agree, and
15 jointly apply to the Court for an Order in the above-entitled action continuing the Case
16 Management Conference from October 17, 2008 to **November 14, 2008, at 10:30 a.m., in**
17 **Courtroom No. 7.** Defendants Dornier Medtech America, Inc., David S. Centanni, and Tyrell L.
18 Schiek have not yet appeared in this matter.

19 Dated: September 19, 2008

ORRICK, HERRINGTON & SUTCLIFFE LLP

21 By: /s/ James W. Geriak
22 James W. Geriak
23 Allan W. Jansen
24 Robert W. Dickerson
25 Mark Stirrat
26 Attorneys for Defendant
27 NEW STAR LASERS, INC.
28 d/b/a COOLTOUCH, INC.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: September 19, 2008

DAVIS POLK & WARDWELL

By: /s/ Matthew B. Lehr
Matthew B. Lehr
Diem-Suong T. Nguyen
Chung G. Suh
Attorney for Plaintiff
VNUS MEDICAL TECHNOLOGIES, INC.

Dated: September 19, 2008

COBLENTZ, PATCH, DUFFY & BASS, LLP

By: /s/ Howard A. Slavitt
Howard A. Slavitt
Attorney for Defendant
BIOLITEC, INC.

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 efiled document.

Dated: September 19, 2008

ORRICK, HERRINGTON & SUTCLIFFE LLP

By: /s/ James W. Geriak
James W. Geriak
Allan W. Jansen
Robert W. Dickerson
Mark Stirrat
Attorneys for Defendant
NEW STAR LASERS, INC.
d/b/a COOLTOUCH, INC.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

~~PROPOSED~~ ORDER

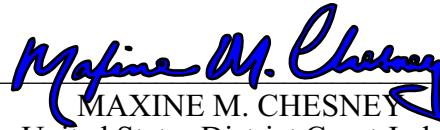
The Court, having considered the above stipulation of plaintiff VNUS Medical Technologies, Inc. and defendants New Star Lasers, Inc. d/b/a Cooltouch, Inc. and biolitec, Inc., and good cause appearing, hereby ORDERS:

1. The Case Management Conference currently scheduled for October 17, 2008 is vacated.
2. The Case Management Conference will be held on November 14, 2008.

Further, plaintiff is hereby ORDERED to serve defendant Dornier Medtech America, Inc., no later than October 27, 2008.

IT IS SO ORDERED.

Dated: September 22, 2008


MAXINE M. CHESNEY
United States District Court Judge