

1 Matthew B. Lehr (Bar No. 213139)
 Diem-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 LLP
 4 1600 El Camino Real
 Menlo Park, California 94025
 5 Telephone: (650) 752-2000
 Facsimile: (650) 752-2111

6 Attorneys for Plaintiff Tyco Healthcare Group
 7 LP d/b/a VNUS Medical Technologies

8 *[Additional counsel on signature page]*

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

13 TYCO HEALTHCARE GROUP LP d/b/a
 VNUS MEDICAL TECHNOLOGIES,

14 Plaintiff,

15 v.

16 BIOLITEC, INC., and NEW STAR LASERS,
 17 INC. d/b/a COOLTOUCH, INC.,

18 Defendants.

LEAD CASE NO. C08-03129 MMC

CASE NO. C08-03129 MMC

**STIPULATION AND ~~PROPOSED~~
 ORDER SETTING BRIEFING
 SCHEDULE FOR VNUS'S MOTION
 FOR SUMMARY JUDGMENT OF NO
 INEQUITABLE CONDUCT**

Judge: The Honorable Maxine M. Chesney

20
 21 TYCO HEALTHCARE GROUP LP d/b/a
 VNUS MEDICAL TECHNOLOGIES,

22 Plaintiff,

23 v.

24 TOTAL VEIN SOLUTIONS, LLC d/b/a
 25 TOTAL VEIN SYSTEMS,

26 Defendant.

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

28

1 WHEREAS the Court conducted a post-trial status conference in this case on June 10,
2 2011, and ordered the parties to submit a stipulation and order setting a briefing schedule for
3 VNUS's motion for summary judgment on defendants' inequitable conduct counterclaims (D.I.
4 456);

5 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED between the
6 undersigned parties, subject to approval of the Court, that:

7 1) VNUS's motion for summary judgment on defendants' inequitable conduct
8 counterclaims shall be filed no later than July 29, 2011, and a hearing on the motion shall be
9 noticed for September 9, 2011;

10 2) Defendants' opposition brief shall be filed no later than August 12, 2011; and

11 3) VNUS's reply brief shall be filed no later than August 19, 2011.

12
13 Dated: June 16, 2011

DAVIS POLK & WARDWELL LLP

14
15 /s/ Matthew B. Lehr

16 Matthew B. Lehr (Bar No. 213139)
17 Suong T. Nguyen (Bar No. 237557)
18 David J. Lisson (Bar No. 250994)
19 Chung G. Suh (Bar No. 244889)
20 Jeremy Brodsky (Bar No. 257674)
21 1600 El Camino Real
22 Menlo Park, CA 94025
23 (650) 752-2000 / (650) 752-2111
24 matthew.lehr@davispolk.com
25 suong.nguyen@davispolk.com
26 david.lisson@davispolk.com
27 chung.suh@davispolk.com
28 jeremy.brodsky@davispolk.com

Attorneys for Plaintiff
Tyco Healthcare Group LP d/b/a
VNUS Medical Technologies

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: June 16, 2011

WOLF, GREENFIELD & SACKS, P.C.

/s/ Michael N. Rader
Michael N. Rader (*pro hac vice*)
Allen S. Rugg (*pro hac vice*)
Charles T. Steenburg (*pro hac vice*)
600 Atlantic Avenue
Boston, MA 02210
(617) 646-8000 / (617) 646-8646
malbert@wolfgreenfield.com
mrader@wolfgreenfield.com
csteenburg@wolfgreenfield.com

Attorneys for Defendant biolitec, Inc.

Dated: June 16, 2011

BUCHE & ASSOCIATES, P.C.

/s/ John Karl Buche
John Karl Buche (Bar No. 239477)
Sean M. Sullivan (Bar No. 254372)
875 Prospect, Suite 305
La Jolla, CA 92037
(858) 812-2840 / (858) 459-9120
jbuche@westerniplaw.com
sean@westerniplaw.com

Dwayne L. Mason (*pro hac vice*)
GREENBERG TRAUERIG LLP
1000 Louisiana Street
Suite 1700
Houston, TX 77002
(713) 374-3500 / (713) 374-3505 (fax)
masondl@gtlaw.com

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

//
//
//

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

4
5 Dated: June 16, 2011

/s/ Chung G. Suh
Chung G. Suh

6
7 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

8
9 Dated: June 17, 2011


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

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28