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7

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

11 VNUS MEDICAL TECHNOLOGIES, INC.,) LEAD CASE NO. C08-03129 MMC
12)
13 Plaintiff,) CASE NO. C08-3129 MMC
14)
15 v.)

16 BIOLITEC, INC., DORNIER MEDTECH)
17 AMERICA, INC., and NEW STAR LASERS,)
18 INC. d/b/a COOLTOUCH, INC.,)
19 Defendants.)
20)
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28 VNUS MEDICAL TECHNOLOGIES, INC.,) CASE NO. C08-04234 MMC
(consolidated with C08-3129 MMC)

Plaintiff,
v.
TOTAL VEIN SOLUTIONS, LLC d/b/a
TOTAL VEIN SYSTEMS,
Defendant.

STIPULATION AND [PROPOSED] ORDER REGARDING SCHEDULING OF PRELIMINARY INFRINGEMENT
CONTENTIONS, PRELIMINARY INVALIDITY CONTENTIONS, AND PROPOSED TERMS FOR
CONSTRUCTION
CASE NOS. C08-03129 MMC & C08-04234 MMC

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 Statement and Rule 26(f) Report filed on November 7, 2008;

4 WHEREAS, under the Pretrial Order the deadline for Plaintiff VNUS Medical
5 Technologies, Inc. (“VNUS”) to serve its Asserted Claims and Preliminary Infringement
6 Contentions pursuant to Patent L.R. 3-1 and 3-2 is January 13, 2009;

7 WHEREAS, under the Pretrial Order the deadline for Defendants biolitec, Inc., Dornier
8 MedTech America, Inc., New Star Lasers, Inc. d/b/a CoolTouch, Inc., and Total Vein Solutions,
9 LLC d/b/a Total Vein Systems (collectively “Defendants”) to serve their Preliminary Invalidity
10 Contentions pursuant to Patent L.R. 3-3 and 3-4 is February 27, 2009;

11 WHEREAS, under the Pretrial Order the deadline to exchange proposed terms for
12 construction and meet and confer pursuant to Patent L.R. 4-1 is March 13, 2009;

13 WHEREAS good cause for rescheduling these deadlines includes enabling parties and their
14 counsel to avoid conflict with the year end-holidays and enabling VNUS to conduct depositions of
15 Defendants pursuant to Fed. R. Civ. P. 30(b)(6) prior to serving its infringement contentions;

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

18 1. The deadline for VNUS to serve its Asserted Claims and Preliminary Infringement
19 Contentions pursuant to Patent L.R. 3-1 and 3-2 shall be moved from January 13, 2009 to February
20 12, 2009.

21 2. The deadline for Defendants to serve their Preliminary Invalidity Contentions
22 pursuant to Patent L.R. 3-3 and 3-4 shall be moved from February 27, 2009 to March 13, 2009.

23 3. The deadline for the parties to exchange proposed terms for construction and meet
24 and confer pursuant to Patent L.R. 4-1 is moved from March 13, 2009 to March 20, 2009.

25 4. All other deadlines in the Pretrial Order shall remain unchanged.
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1 Dated: December 12, 2008

Respectfully Submitted,

2 ATTORNEYS FOR PLAINTIFF
3 VNUS MEDICAL TECHNOLOGIES, INC.

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

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/s/ Diem-Suong T. Nguyen
Diem-Suong T. Nguyen

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

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Dated: December 16, 2008

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MAXINE M. CHESNEY
United States District Judge

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