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19 **IN THE UNITED STATES DISTRICT COURT FOR THE**
 20 **NORTHERN DISTRICT OF CALIFORNIA**
 21 **SAN FRANCISCO DIVISION**

22

23 KARL STORZ ENDOSCOPY-AMERICA,
 24 INC.

25 Plaintiff,

26 v.

27 FEMSUITE, LLC

28 Defendant.

Case No. C 08-3210 (VRW)

~~**[PROPOSED]**~~ **STIPULATED ORDER
 OF DISMISSAL**

Hon. Vaughn R. Walker

1 The Court, upon the consent and request of Plaintiff Karl Storz Endoscopy-America, Inc.
2 ("KSEA") and Defendant FemSuite, LLC ("FemSuite"), hereby acknowledges the following
3 Stipulation and issues the following Order.

4 **STIPULATION**

5 1. This Court has subject matter jurisdiction over this patent infringement action (the
6 "Action") and personal jurisdiction over KSEA and FemSuite. Venue is proper in this Court as to
7 KSEA and FemSuite.
8

9 2. KSEA and FemSuite have agreed to resolve and stipulate to the dismissal of the Action
10 pursuant to the terms of a Settlement Agreement executed by KSEA and FemSuite.
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12 3. Pursuant to the terms of the Settlement Agreement, KSEA has agreed that each of its claims
13 set forth its Complaint For Patent Infringement filed on or about July 3, 2008, including the
14 allegations and averments contained therein, should be dismissed with prejudice.

15 4. Pursuant to the terms of the Settlement Agreement, FemSuite has agreed that each of its
16 counterclaims and defenses set forth in Defendant's Answer And Counterclaims filed on or about
17 January 7, 2009 and Defendant's First Amended Answer And Counterclaims filed on or about
18 March 17, 2009, including the allegations and averments contained therein, should be dismissed
19 with prejudice.
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SO STIPULATED:

Dated: October 16, 2009

Respectfully submitted,

BECK, ROSS, BISMONTE, & FINLEY, LLP

_____/s/_____
By: Alfredo A. Bismonte

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Attorneys for Plaintiff,
Karl Storz Endoscopy-America, Inc.

Dated: October 16, 2009

Respectfully submitted,

MINTZ LEVIN COHN FERRIS GLOVSKY AND
POPEO, PC

_____/s/¹_____
By: Jeffrey M. Ratinoff

Attorneys for Defendant,
FemSuite, LLC

¹ Pursuant to General Order 45, Section X, the filer of this document attests that concurrence in the filing of this document has been obtained from Jeffrey M. Ratinoff.

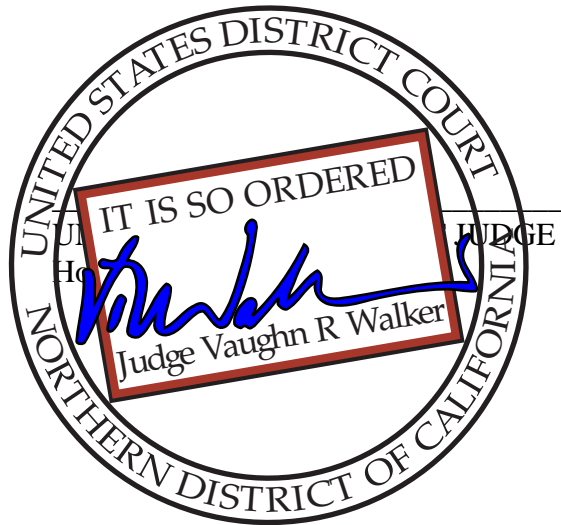
~~PROPOSED~~ ORDER

Accordingly, pursuant to the above Stipulation, and upon the consent and request of KSEA and FemSuite, it is hereby ORDERED, Adjudged and Decreed that:

1. All claims and counterclaims in the Action are dismissed with prejudice.
2. Each party shall bear its own costs and attorneys' fees.

PURSUANT TO STIPULATION, IT IS SO ORDERED:

Date: October 23, 2009



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