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10 Attorneys for Plaintiff and Counterdefendant
11 TERUMO CARDIOVASCULAR SYSTEMS CORPORATION
and Counterdefendant TERUMO CORPORATION

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 (SAN FRANCISCO DIVISION)

15 TERUMO CARDIOVASCULAR SYSTEMS
16 CORPORATION,

17 Plaintiff,

18 v.

19 MAQUET CARDIOVASCULAR L.L.C.

20 Defendant.

21 MAQUET CARDIOVASCULAR, L.L.C.,

22 Counterclaimant,

23 v.

24 TERUMO CARDIOVASCULAR
25 SYSTEMS CORPORATION, and
26 TERUMO CORPORATION,

27 Counterdefendants.
28

Case No. C-08-04003 CRB

**STIPULATION OF DISMISSAL WITH
PREJUDICE AND ~~PROPOSED~~ ORDER**

1 Plaintiff and Counterdefendant Terumo Cardiovascular Systems Corporation and
2 Counterdefendant Terumo Corporation (collectively, "Terumo") and Defendant and
3 Counterclaimant Maquet Cardiovascular L.L.C. ("Maquet") hereby stipulate as follows:

4 1. Pursuant to Federal Rules of Civil Procedure 41(a)(1)(A)(ii) and (c), Maquet and
5 Terumo hereby agree to dismiss with prejudice this lawsuit, including all claims and
6 counterclaims filed therein.

7
8 2. Each party shall bear its own litigation costs, attorneys' fees and other expenses
9 arising from or related to this litigation.

10
11 Dated: December 17, 2008

FISH & RICHARDSON P.C.

12 By: /s/ Shelley K. Mack
13 Shelley K Mack

14 Attorneys for Plaintiff and Counterdefendant
15 TERUMO CARDIOVASCULAR SYSTEMS
16 CORPORATION
17 and Counterdefendant TERUMO
CORPORATION

18 Dated: December 17, 2008

BINGHAM McCUTCHEN LLP

19
20 By: /s/ James G. Snell
21 James Boyd Lewis
22 James G. Snell
23 Jessie M. Amberg
Judith S.H. Hom

24 Attorneys for Defendant and Counterclaimant
25 MAQUET CARDIOVASCULAR LLC

26 Concurrence in the filing of this document has been obtained from James G. Snell, counsel
27 for Defendant and Counterclaimant Maquet Cardiovascular LLC.

1 **[PROPOSED] ORDER**

2 Pursuant to the parties' stipulation, the Court **HEREBY DISMISSES WITH**
3 **PREJUDICE** the above titled lawsuit, with each party to bear its own attorneys' fees and costs.

4
5 Pursuant to Stipulation, **IT IS SO ORDERED.**

6 Dated: December 19, 2008

7 _____
8 Honorable Charles R. Breyer
9 United States District Court

