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5 Attorneys for Plaintiff
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6 (additional counsel on signature page)
 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 | Plaintiff, |) | CASE NO. C08-04234 MMC |
| | |) | |
| 13 | v. |) | STIPULATION AND PROPOSED |
| | |) | ORDER OF CONSOLIDATION OF |
| 14 | TOTAL VEIN SOLUTIONS, LLC d/b/a |) | RELATED CASES |
| | TOTAL VEIN SYSTEMS, |) | |
| 15 | |) | |
| | Defendant. |) | |
| 16 | |) | |
| | |) | |
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1 The parties stipulate, by and through their respective counsel, as follows:

2 1. The following related actions, which involve common questions of law or fact, are
3 hereby consolidated for all purposes pursuant to Fed. R. Civ. P. 42:

| 4 <u>Abbreviated Case Name</u> | <u>Case No.</u> | <u>Date Filed</u> |
|----------------------------------|-----------------|-------------------|
| 5 <i>VNUS v. biolitec et al.</i> | C08-03129 MMC | June 27, 2008 |
| 6 <i>VNUS v. TVS</i> | C08-04234 MMC | September 8, 2008 |

7 2. In accordance with Civil L.R. 3-4(b), the caption of every pleading filed in these
8 consolidated actions shall denote lead case number C08-03129 MMC above all consolidated case
9 numbers.

10 3. All papers filed and served to date in either of the foregoing actions are hereby
11 deemed a part of the record in the consolidated actions.

12 Dated: November 17, 2008

Respectfully Submitted,

13 ATTORNEYS FOR PLAINTIFF
14 VNUS MEDICAL TECHNOLOGIES, INC.

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16 By: /s/ Suong T. Nguyen
17 Matthew B. Lehr (Bar No. 213139)
18 Diem-Suong T. Nguyen (Bar No. 237557)
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25 ATTORNEYS FOR DEFENDANT TOTAL
26 VEIN SOLUTIONS, LLC d/b/a TOTAL VEIN
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28 By: /s/ Henry Pogorzelski
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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 e-filed document.

/s/ Suong T. Nguyen
Suong T. Nguyen

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: November 18, 2008



MAKINE M. CHESNEY
United States District Judge