

EDWARD R. REINES (STATE BAR NO. 135960)
edward.reines@weil.com
 NICHOLAS A. BROWN (STATE BAR NO. 198210)
nick.brown@weil.com
 PAUL T. EHRLICH (STATE BAR NO. 228543)
paul.ehrlich@weil.com
 JILL J. HO (STATE BAR NO. 236349)
jill.ho@weil.com
 L. OKEY ONYEJEKWE, JR. (STATE BAR NO. 250354)
okey.onyejekwe@weil.com
 WEIL, GOTSHAL & MANGES LLP
 Silicon Valley Office
 201 Redwood Shores Parkway
 Redwood Shores, CA 94065
 Telephone: (650) 802-3000
 Facsimile: (650) 802-3100

M. PATRICIA THAYER (STATE BAR NO. 90818)
pthayer@orrick.com
 KATHLEEN D. PATTERSON (STATE BAR NO. 124768)
kpatterson@orrick.com
 ORRICK, HERRINGTON & SUTCLIFFE LLP
 The Orrick Building
 405 Howard Street
 San Francisco, CA 94105-2669
 Telephone: (415) 773-5700
 Facsimile: (415) 773-5759

Attorneys for Plaintiff
 CONCEPTUS INC.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

CONCEPTUS INC.,

 Plaintiff,

 v.

 HOLOGIC, INC.,

 Defendant.

Case No. 09-cv-02280-WHA

**STIPULATION REGARDING ASSERTED
 CLAIMS AND JOINT MOTION TO
 DISMISS WITH PREJUDICE CLAIMS AND
 COUNTERCLAIMS PERTAINING TO
 UNASSERTED PATENTS AND CLAIMS
 AND ORDER**

1 Plaintiff Conceptus, Inc. ("Conceptus") and Defendant Hologic, Inc. ("Hologic")
2 hereby stipulate that Conceptus shall restrict its claims of infringement and Hologic shall restrict
3 its claims of invalidity to Claims 8, 37, and 38 of U.S. Patent No. 6,634,361 ("the '361 patent")
4 and Claims 5 and 14 of U.S. Patent No. 7,506,650 ("the '650 patent"). Accordingly, Conceptus
5 and Hologic jointly request that the Court dismiss with prejudice the claims and counterclaims
6 brought by both parties pertaining to U.S. Patent Nos. 6,709,667, 7,237,552, and 7,428,904 and
7 the claims and counterclaims brought by both parties pertaining to the '361 and '650 patents with
8 the exception of Claims 8, 37 and 38 of the '361 patent and claims 5 and 14 of the '650 patent.
9 Neither side will make reference to a jury that the dismissed patents and claims were once
10 asserted in the case. Nor will either party argue that, by dismissing these claims, Conceptus is
11 precluded from asserting infringement in this case of the non-withdrawn claims. Hologic shall
12 have the right to reassert its invalidity counterclaims in the event of any future claims of
13 infringement permissible hereunder of the dismissed patents and claims.

14
15 Dated: January 19, 2010

ORRICK, HERRINGTON & SUTCLIFFE

16
17 By: /s/ M. Patricia Thayer
18 M. Patricia Thayer
19 Attorneys for Plaintiff
Conceptus, Inc.

20 Dated: January 19, 2010

HOWREY LLP

21
22 By: /s/ Matthew M. Wolf
23 Matthew M. Wolf
24 Attorneys for Defendant
Hologic, Inc.

25 IT IS SO ORDERED.

26 Dated: January 19, 2010

27 Hon. William A. Alsup
28 United States District Court
Northern District of California
IT IS SO ORDERED
Judge William Alsup