

1 BIELEN, LAMPE & THOEMING, P.A.
 Charles L. Thoeming (State Bar No. 153504)
 2 Theodore J. Bielen, Jr. (State Bar No. 56395)
 1390 Willow Pass Road, Suite 1020
 3 Concord, CA 94520
 Telephone: (925)288.9720
 4 Facsimile: (925)288.9731
 hadvbaxen@earthlink.net

5 Attorneys for Plaintiff
 6 **MIZUHO Orthopedic Systems, Inc.**

7 Attorneys for MIZUHO Orthopedic Systems, Inc.

8
 9 **UNITED STATES DISTRICT COURT**
 10 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
 11

12
 13 MIZUHO ORTHOPEDIC SYSTEMS, INC.,
 a Delaware corporation,
 14 **Plaintiff,**
 15 v.

Civil Action No. 3:13-cv-01587-MMC

16 MAQUET CARDIOVASCULAR, LLC, a
 Delaware Limited Liability Company,
 17 MAQUET CARDIOVASCULAR US
 SALES, LLC, a Delaware Limited Liability
 18 Company, and MAQUET, INC., a
 19 Delaware Corporation d/b/a as MAQUET
 MEDICAL SYSTEMS USA,
 20 **Defendants.**
 21

**STIPULATION OF DISMISSAL
 WITH PREJUDICE and
 [PROPOSED] ORDER**

22
 23 **IT IS HEREBY STIPULATED AND AGREED,** by and among the undersigned
 24 attorneys for the respective parties, pursuant to Rule 41 of the Federal Rules of Civil
 25 Procedure, that the above-captioned action be, and hereby is, dismissed with prejudice. Each
 26 Party shall bear its own costs.
 27

28 //

1 Dated: May 12, 2014.

2 BIELEN, LAMPE & THOEMING

3 /s/ Charles L. Thoeming

4 Charles L. Thoeming (State Bar No. 153504)

5 Theodore J. Bielen, Jr. (State Bar No. 56395)

6 1390 Willow Pass Road, Suite 1020

7 Concord, CA 94520

8 Telephone: (925)288.9720

9 Facsimile: (925)288.9731

10 hadvbaxen@earthlink.net

11 **Attorneys for Plaintiff**
12 **Mizuho Orthopedic Systems, Inc.**

COVINGTON & BURLING LLP

Simon J. Frankel

Elena M. DiMuzio

One Front Street, 35th Floor

San Francisco, CA 94111

Telephone: (415) 591-6000

Facsimile: (415) 591-6091

/s/ David A. Loewenstein

David A. Loewenstein

PEARL COHEN ZEDEK LATZER BARATZ

LLP

1500 Broadway, 12th Floor

New York, NY 10036

Tel: (646) 878-0800

Fax: (646) 878-0801

Attorneys for Defendants
Maquet Cardiovascular LLC, Maquet
Cardiovascular US Sales LLC, and
Maquet, Inc.

13
14
15
16
17 **CONCURRENCE IN FILING**

18 I, Charles L. Thoeming, am the ECF User whose identification and password are being
19 used to file this Stipulation of Dismissal with Prejudice and [Proposed] Order. In compliance
20 with General Order 45.X.B., I hereby attest that David A. Loewenstein, counsel for defendants,
21 has concurred in this filing.

22 Dated: May 12, 2014

/s/ Charles L. Thoeming

Charles L. Thoeming

23
24
25 **SO ORDERED:**

26 **Dated:** May 12, 2014.


Hon. Maxine M. Chesney

United States District Court Judge