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12 Attorneys for Plaintiff
 13 Advanced Cardiovascular Systems, Inc.

14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16 OAKLAND DIVISION

17 _____)
 18 ADVANCED CARDIOVASCULAR)
 19 SYSTEMS, INC.,)
 20)
 21 Plaintiff,)
 22)
 23 v.)
 24 MEDTRONIC, INC.,)
 25)
 26)
 27 Defendant.)
 28 _____)

C. A. No. 95-03577 DLJ

**STIPULATION AND ORDER
 REGARDING STATEMENT OF
 RECENT DECISION EXTENDING
 TERM OF PATENT UNDERLYING
 PERMANENT INJUNCTION**

1 PURSUANT TO CIVIL L.R. 7-12, THE PARTIES TO THE ABOVE-ENTITLED CASE
2 HEREBY STIPULATE AND AGREE AS FOLLOWS:

3 WHEREAS Defendant's Motion to Modify Injunction After October 29, 2008 was heard before
4 the Court on October 3, 2008, and is under submission for the Court's decision;

5 WHEREAS the United States Patent Office published a decision that extends U.S. Patent No.
6 5,451,233 (the patent underlying the permanent injunction), pursuant to 35 U.S.C. § 156(e)(2), for a
7 period of one year ("Interim Extension"), on or about October 14, 2008;

8 WHEREAS because the noticed hearing date has passed, Civil L.R. 7-3(d) does not
9 automatically permit the filing of a Statement of Recent Decision to supply the Court with the Patent
10 Office's Interim Extension;

11 WHEREAS, Plaintiff Advanced Cardiovascular Systems, Inc. (now Abbott Cardiovascular
12 Systems, Inc.) is lodging (not filing) concurrently herewith for the Court's consideration a proposed
13 Statement of Recent Decision, attaching a copy of the Patent Office's Interim Extension (as Exhibit A);

14 IT IS HEREBY STIPULATED AND AGREED, subject to the Court's approval, that Plaintiff
15 Abbott should be given LEAVE TO FILE a Statement of Recent Decision in the form lodged by Abbott
16 to supply the Court with the Patent Office's decision.

17 By his signature below, counsel for Plaintiff Abbott attests that counsel for Defendant concurred
18 in the filing of this document.

19
20 Dated: October 14, 2008

MCANDREWS HELD & MALLOY

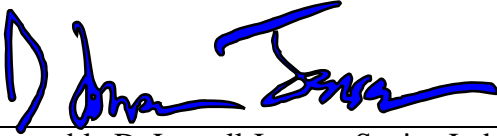
21
22 By: /s/ Scott P. McBride
23 Scott P. McBride
24 Attorneys for Plaintiff
ADVANCED CARDIOVASCULAR
SYSTEMS, INC.

25 Dated: October 14, 2008

KEKER & VAN NEST, LLP

26
27 By: /s/ Ashok Ramani
28 Ashok Ramani
Attorneys for Defendant
MEDTRONIC, INC.

1 **IT IS SO ORDERED.**

2 

October 15, 2008

3 _____
4 Honorable D. Lowell Jensen, Senior Judge