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ATTORNEYS FOR PLAINTIFF, COUNTERCLAIM DEFENDANT,
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 COUNTERCLAIM PLAINTIFF EVYSIO MEDICAL DEVICES ULC

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

MEDTRONIC VASCULAR, INC.,
 MEDTRONIC USA, INC., MEDTRONIC,
 INC., MEDTRONIC VASCULAR GALWAY,
 LTD., and EVYSIO MEDICAL DEVICES
 ULC,

Plaintiffs, Counterclaim
 Defendants, Defendants to
 Complaint-In-Intervention, and
 Counterclaim Plaintiffs,

v.

ABBOTT CARDIOVASCULAR SYSTEMS,
 INC., ABBOTT LABORATORIES, and
 ABBOTT VASCULAR, INC.,

Defendants and Counterclaim
 Plaintiffs,

and

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ATTORNEYS FOR PLAINTIFF-INTERVENOR AND COUNTERCLAIM
 DEFENDANT BOSTON SCIENTIFIC CORPORATION

Case No. 06-01066-PJH

**STIPULATED DISMISSAL AND
 [PROPOSED] ORDER**

1 BOSTON SCIENTIFIC CORPORATION,

2 Plaintiff-Intervenor and
3 Counterclaim Defendant.

4 WHEREAS, the parties hereto, Plaintiffs/Counterclaim Defendants/Defendants to
5 Complaint-In-Intervention/Counterclaim Plaintiffs Medtronic Vascular, Inc., Medtronic USA,
6 Inc., Medtronic, Inc., Medtronic Vascular, Galway, Ltd., and evYsio Medical Devices ULC,
7 (collectively, "Plaintiffs") and Plaintiff-Intervenor/Counterclaim Defendant Boston Scientific
8 Corporation ("BSC"), have agreed to stipulate to the dismissal without prejudice of the claims and
9 counterclaims relating to the allegations by and against BSC;

10 WHEREAS, the stipulation in no way limits the Plaintiffs' freedom to bring or continue an
11 action or to assert claims with respect to products made or sold by any party other than BSC and,
12 specifically, does not limit in any way the Plaintiffs' freedom to bring or continue this action
13 asserting claims against the Abbott defendants for infringement of the patents-in-suit by making,
14 providing, transferring or selling the Promus stent to or for the benefit of BSC;

15 NOW, THEREFORE, Plaintiffs and BSC hereby stipulate, through their respective
16 undersigned counsel, that all claims and counterclaims by and against BSC in this action,
17 including any counterclaims against BSC and claims asserted by BSC in this action, shall be
18 dismissed without prejudice. Each party shall bear its own costs and fees.

19 Respectfully submitted,

20 Date: January 29, 2009

21 **FOLEY & LARDNER LLP**

22 By: s/ Jeffrey N. Costakos
23 Jeffrey N. Costakos

24 Attorneys for Plaintiffs, Counterclaim
25 Defendants, Defendants to Complaint-In-
26 Intervention, and Counterclaim Plaintiffs
27 Medtronic Vascular, Inc., Medtronic USA,
28 Inc., Medtronic, Inc., and Medtronic Vascular
Galway, Ltd.

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Date: January 29, 2009

KATTEN MUCHIN ROSENMAN LLP

By: s/ Timothy J. Vezeau
Timothy J. Vezeau

Attorneys for Attorneys for Plaintiff,
Counterclaim Defendant, Defendant to
Complaint-In-Intervention, and Counterclaim
Plaintiff evYsio Medical Devices ULC

Date: January 29, 2009

FISH AND RICHARDSON P.C.

By: s/ Christopher R. Dillon
Christopher R. Dillon

Attorneys for Plaintiff-Intervenor and
Counterclaim Defendant Boston Scientific
Corporation

Concurrence in the filing of this document has been obtained from Christopher R. Dillon,
the signatory listed above.

Date: January 29, 2009

FOLEY & LARDNER LLP

By: s/ Jeffrey N. Costakos
Jeffrey N. Costakos

Attorneys for Plaintiffs, Counterclaim
Defendants, Defendants to Complaint-In-
Intervention, and Counterclaim Plaintiffs
Medtronic Vascular, Inc., Medtronic USA,
Inc., Medtronic, Inc., and Medtronic Vascular
Galway, Ltd.

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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: 1/30/09

Honorable
United

