

1 Katharine L. Altemus (SBN 227080)  
 2 HOWREY LLP  
 3 1950 University Avenue, 4th Floor  
 4 East Palo Alto, CA 94303  
 5 Telephone: (650) 798-3512  
 6 Facsimile: (650) 798-3600  
 7 E-mail: [altemusk@howrey.com](mailto:altemusk@howrey.com)

8 Matthew M. Wolf (admitted *pro hac vice*)  
 9 Edward Han (admitted *pro hac vice*)  
 10 HOWREY LLP  
 11 1299 Pennsylvania Avenue, N.W.  
 12 Washington, DC 20004  
 13 Telephone: (202) 783-0800  
 14 Facsimile: (202) 383-6610  
 15 E-mail: [wolfin@howrey.com](mailto:wolfin@howrey.com)  
 16 E-mail: [hane@howrey.com](mailto:hane@howrey.com)

17 Wallace Wu (SBN 220110)  
 18 HOWREY LLP  
 19 550 South Hope Street, Suite 1100  
 20 Los Angeles, CA 90071  
 21 Telephone: (213) 892-1800  
 22 Facsimile: (213) 892-2300  
 23 E-mail: [wuw@howrey.com](mailto:wuw@howrey.com)

24 Attorneys for Plaintiff and  
 25 Counterclaim-Defendant  
 26 Boston Scientific Corp.

H. Mark Lyon (SBN 162061)  
 Frederick S. Chung (SBN 183337)  
 GIBSON, DUNN & CRUTCHER LLP  
 1881 Page Mill Road  
 Palo Alto, CA 94304  
 Telephone: (650) 849-5300  
 Facsimile: (650) 849-5333  
 Email: [MLyon@gibsondunn.com](mailto:MLyon@gibsondunn.com)  
 Email: [FChung@gibsondunn.com](mailto:FChung@gibsondunn.com)

Kevin S. Rosen (SBN 133304)  
 Matthew A. Hoffman (SBN 227351)  
 Anthony S. Newman (SBN 235514)  
 GIBSON, DUNN & CRUTCHER LLP  
 333 South Grand Avenue  
 Los Angeles, CA 90071  
 Telephone: (213) 229-7000  
 Facsimile: (213) 229-7520  
 Email: [KRosen@gibsondunn.com](mailto:KRosen@gibsondunn.com)  
 Email: [MHoffman@gibsondunn.com](mailto:MHoffman@gibsondunn.com)  
 Email: [ANewman@gibsondunn.com](mailto:ANewman@gibsondunn.com)

Attorneys for Defendants and Counterclaim-  
 Plaintiffs Medtronic, Inc.,  
 Medtronic Vascular, Inc., Medtronic USA,  
 Inc., and Medtronic Galway, Ltd.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

20 BOSTON SCIENTIFIC CORP.,  
 21  
 22 Plaintiff,  
 23  
 24 vs.  
 25 MEDTRONIC, INC., MEDTRONIC  
 26 VASCULAR, INC., MEDTRONIC USA, INC.,  
 27 MEDTRONIC VASCULAR GALWAY, LTD.  
 28  
 29 Defendants.

Case No. CV 08 3844 PJH  
**STIPULATED DISMISSAL AND  
 [PROPOSED] ORDER**

Stipulated Dismissal and Proposed Order  
 Case No. CV 08 3844 PJH

1 MEDTRONIC, INC., MEDTRONIC  
2 VASCULAR, INC., MEDTRONIC USA, INC.,  
3 MEDTRONIC VASCULAR GALWAY, LTD.,

4 Counterclaim-Plaintiffs,

5 vs.

6 BOSTON SCIENTIFIC CORP.,

7 Counterclaim-Defendant.  
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1 Pursuant to an agreement of the parties, Plaintiff Boston Scientific Corp. and Defendants  
2 Medtronic, Inc., Medtronic Vascular, Inc., Medtronic USA, Inc., and Medtronic Vascular Galway, Ltd.  
3 hereby stipulate, through their respective undersigned counsel, that all claims and counterclaims of this  
4 action shall be dismissed without prejudice. Each party shall bear its own costs and fees.

5  
6 Dated

January 28, 2009

Respectfully submitted,

**HOWREY LLP**

By: Katharine L. Altemus  
Katharine L. Altemus  
Attorneys for Plaintiff/Counterdefendant  
BOSTON SCIENTIFIC CORP.

**GIBSON, DUNN & CRUTCHER LLP**

By: H. Mark Lyon  
H. Mark Lyon  
Attorneys for Defendants/Counterclaimants  
MEDTRONIC, INC., MEDTRONIC  
VASCULAR, INC., MEDTRONIC USA, INC.,  
and MEDTRONIC VASCULAR GALWAY,  
LTD.

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17 Concurrence in the filing of this document has been obtained from H. Mark Lyon, the signatory  
18 listed above.

**HOWREY LLP**

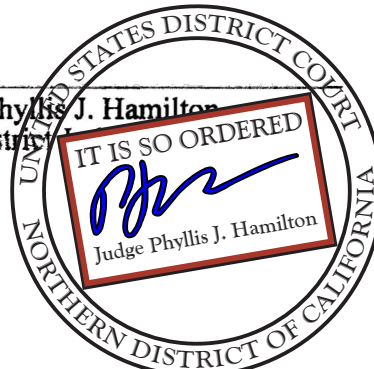
19  
20 By: Katharine L. Altemus  
Katharine L. Altemus  
Attorneys for Plaintiff/Counterdefendant  
BOSTON SCIENTIFIC CORP.

21  
22  
23 **ORDER**

24 PURSUANT TO STIPULATION, IT IS SO ORDERED.

25  
26 Dated: 1/29/09

27  
28 The Honorable Phyllis J. Hamilton  
United States District Court



Stipulated Dismissal and Proposed Order  
Case No. CV 08 3844 PJH

**CERTIFICATE OF SERVICE**

I am employed in the County of San Mateo, State of California. I am over the age of 18 and not a party to the within action. My business address is 1950 University Avenue, 4th Floor, East Palo Alto, California 94303.

On January 28, 2009, I served on the interested parties in said action the within:

**STIPULATION AND [PROPOSED] ORDER TO**

**CONTINUE CASE MANAGEMENT CONFERENCE**

by placing a true copy thereof in a sealed envelope(s) addressed as stated below and causing such envelope(s) to be deposited in the U.S. Mail at East Palo Alto, California.

H. Mark Lyon  
mlyon@gibsondunn.com  
Medtronic@gibsondunn.com  
**GIBSON DUNN & CRUTCHER LLP**  
1881 Page Mill Road  
Palo Alto, CA 94304  
Tel: 650-849-5300  
Fax: 650-849-5333

(EMAIL/ELECTRONIC TRANSMISSION) Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to the persons at the e-mail addresses listed above. I did not receive, within a reasonable time after the submission, any electronic message or other indication that the transmission was unsuccessful.

(BY CM/ECF) I caused such document(s) to be sent via electronic mail through the Case Management/Electronic File system with the U.S. District Court for the Northern District of California.

I declare under penalty of perjury that I am employed in the office of a member of the bar of this Court at whose direction the service was made and that the foregoing is true and correct.

Executed on January 28, 2009, at East Palo Alto, California.

Kathryn Melendy  
(Type or print name)

Kathy Melendy  
(Signature)