STIP TO EXTEND MICRUS TIME TO RESPOND TO BSC'S COUNTERCLAIMS TO FIRST AMENDED ANSWER & COUNTERCLAIMS; [PROPOSED] ORDER

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Case No. C 04-04072 (JW) SV1:\300262\01\6f\_m01!.DOC\63495.0014

1	Pursuant to Civil Local Rules 6-1, 6-2, and 7-12, plaintiffs Boston Scientific Corp. and	
2	Target Therapeutics, Inc. (collectively "BSC") and defendant Micrus Corporation ("Micrus")	
3	hereby request an order for a thirty (30) day extension of the deadline for Micrus to respond to	
4	BSC's Reply And Counterclaims To First Amended Answer And Counterclaims of Micrus, filed	
5	September 8, 2008 [Docket No. 214]. The parties request this extension because they have	
6	entered into an agreement settling this action and will file shortly a stipulated dismissal. Under	
7	the revised deadline, Micrus's response will be due on October 30, 2008; however, the parties	
8	expect that the dismissal will be entered before that revised deadline. This request does not alter	
9	any other date set by the Court.	
10	Pursuant to General Order 45, § X(B), counsel for Micrus attests under penalty or	
11	perjury that counsel for Boston Scientific concurs in the filing of this stipulated request.	
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13	DATED: September 23, 2008	
14	BOSTON SCIENTIFIC CORPORATION and TARGET THERAPEUTICS, INC.	MICRUS CORPORATION
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26	A C DI C CO I	
27	Attorneys for Plaintiffs and	
<i>41</i>	Counterdefendants	
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## [FROPORTD] ORDER

Pursuant to stipulation, IT IS SO ORDERED.

Deadline to respond due October 30, 2008 or if needed, a further request for extension should be filed. If the parties file a stipulated dismissal prior to the deadline, all further deadlines will be vacated.

Dated: September 24, 2008

Hon. James Ware, United States District Judge

## 1 **SUPPORTING DECLARATION OF RIP FINST** 2 I, Rip Finst, declare: 3 I am a member of the Bar of this Court and an associate with the law firm 1. 4 of Weil, Gotshal & Manges LLP, counsel of record for defendant and counterclaimant Micrus 5 Corporation ("Micrus") in the above-captioned matter. I submit this declaration based on 6 personal knowledge and following a reasonable investigation. If called upon as a witness, I could 7 competently testify to the truth of each statement herein. 8 2. The factual representations made in the above Stipulation are true. The 9 parties have met and conferred and agree that the schedule should be extended as requested 10 above. 3. 11 There have been no prior modifications to the schedule for the filing of 12 Micrus's response to BSC's Reply and Counterclaims to the First Amended Answer and 13 Counterclaims of Micrus Corporation. 14 4. The requested time modification will not have any effect on the schedule 15 set for the remainder of the case. 16 I declare under penalty of perjury under the laws of the United States of America 17 that the foregoing is true and correct. 18 Executed on September 23, 2008 at Redwood Shores, California. 19 /s/ Rip Finst Rip Finst 20 21 22 23 24 25 26 27

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