

[SEE SIGNATURE PAGE FOR ATTORNEY NAMES]



UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

BOSTON SCIENTIFIC CORP. and TARGET  
THERAPEUTICS, INC.,

Plaintiff and  
Counterdefendant,

v.

MICRUS CORPORATION,

Defendant and  
Counterclaimant.

Case No. C 04- 04072 (JW)

**STIPULATION OF DISMISSAL WITH  
PREJUDICE BETWEEN BOSTON  
SCIENTIFIC AND MICRUS AND  
[Proposed] ORDER**

Pursuant to Fed. R. Civ. P. 41(a)(1)(ii) and 41(c), the plaintiffs, Boston Scientific Corp. and Target Therapeutics, Inc., and defendant Micrus Corporation, hereby move for an order dismissing the above-entitled action, including all claims and counterclaims, in its entirety, with prejudice, with each party to bear its own costs, expenses and attorneys fees. The parties respectfully request that the Court retain jurisdiction to enforce the terms of their settlement agreement under the authority of *Kokkonen v. Guardian Life Insurance Company of America*, 511 U.S. 375, 381-82 (1994). The parties waive all right to appeal from this Stipulation and dismissal.

**IT IS SO STIPULATED.**

Consent to the entry of the foregoing dismissal and attached [Proposed] Order is hereby acknowledged.

Pursuant to General Order 45, § X(B), counsel for Micrus attests under penalty of perjury that counsel for Boston Scientific concurs in the filing of this stipulation.

Dated: October 3, 2008

BOSTON SCIENTIFIC CORP. and  
TARGET THERAPEUTICS, INC.

MICRUS CORPORATION

By: /s/ Roland H. Schwillinski

By: /s/ Douglas E. Lumish

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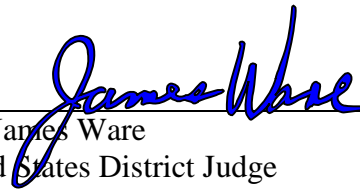
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 ~~PROPOSED~~ ORDER

Pursuant to stipulation, IT IS HEREBY ORDERED:

This case is dismissed with prejudice. Each party shall bear its own attorneys' fees and costs.

Dated: October 8, 2008

  
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Hon. James Ware  
United States District Judge