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Attorneys for Defendants TERUMO CORPORATION, and TERUMO CARDIOVASCULAR SYSTEMS CORPORATION

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

MAQUET CARDIOVASCULAR, L.L.C., a Delaware limited liability company,

Plaintiff,

v.

TERUMO CORPORATION, a Japanese corporation and TERUMO CARDIOVASCULAR SYSTEMS CORPORATION, a Delaware corporation,

Defendants.

No. C08-01735 JSW

STIPULATION REGARDING THE TAKING OF DEPOSITIONS IN TOKYO, JAPAN AND ~~[PROPOSED]~~ ORDER

In accordance with Northern District Local Rule 7-12, Plaintiff, Maquet Cardiovascular, L.L.C., and Defendants, Terumo Corporation and Terumo Cardiovascular Systems Corporation (collectively "the Parties"), hereby jointly submit this Stipulation, by and through their respective attorneys of record, seeking an order authorizing the taking of depositions of Atsuhiko (Jun) Nogawa, Masao Hitotsuyanagi, Tsukasa Ikegami, Hidenobu Andou, and Yuki Ozawa (collectively, "the Deponents") in Tokyo, Japan.

WHEREAS, the Parties are participating in an investigation before the United States International Trade Commission;

Defendant Terumo Corporation is a Japan-based corporation requiring that its employees have their depositions taken in Tokyo, Japan;

Pursuant to Article 17 of the United States-Japan Consular Convention and Protocol, 15 U.S.T. 768, which authorizes American consulate officers to take depositions in Japan, the depositions must be taken pursuant to a court order or commission;

Plaintiff has reserved the dates of September 2, 2008 through September 5, 2008 at the United State Embassy in Tokyo, Japan to take depositions of certain employees of Defendant Terumo Corporation located in Japan;

IT IS HEREBY STIPULATED by and between the Parties, and through their respective attorneys of record, as follows:

The Parties request that this Court issue an Order authorizing the taking of the Deponents' depositions at the United States Embassy in Tokyo, Japan.

The Deponents will appear voluntarily.

The depositions will commence on or about September 2, 2008 at 9:00 a.m. local time and terminate on or about September 5, 2008 at 5:00 p.m. local time.

The Parties acknowledge that, although Plaintiff has reserved the September 2, 2008 to September 5, 2008 dates with the Embassy in Tokyo, those dates are subject to change by the Embassy. If for any reason the Embassy is not available for deposition on September 2, 2008 to September 5, 2008, the Parties agree to confer in good faith to reschedule the deposition upon which counsel, the Deponents, and the Embassy in Tokyo are all available and upon which court

reporting, videography and interpretation services can be arranged.

Counsel for Plaintiff who will participate in said depositions will include one or more of the following: James G. Snell, Gary M. Hnath, or Scott T. Bluni.

Counsel for Defendants who will participate in said depositions will include one or more of the following: Mathias Samuel, Sara Cotton, Gael Tisack, and one or more Japanese employees of Terumo Corporation.

The proceedings will be recorded stenographically and by videotape by personnel to be arranged by counsel for Plaintiff. The names of the court reporter and videographer will be provided to the Embassy in accordance with the Embassy's procedures. The transcripts of the deposition will be prepared and distributed among the interested parties by the court reporter without further involvement by the Embassy.

The proceedings will be interpreted by personnel to be arranged by counsel for Plaintiff. Defendants may retain a second interpreter to act as a check on the translations provided by Plaintiff's interpreter. The name(s) of the interpreter(s) will be provided to the Embassy in Tokyo in accordance with the Embassy's procedures.

The Parties request a Court order pursuant to these stipulations.

IT IS SO STIPULATED.

DATED: July 28, 2008

By: _____

Carlos P. Miño
carlos.mino@bingham.com
BINGHAM McCUTCHEN LLP
Attorneys for Plaintiff
MAQUET CARDIOVASCULAR, L.L.C.

DATED: July 28, 2008

By: _____

Shelley K. Mack
mack@fr.com
FISH & RICHARDSON P.C
Attorneys for Defendants
TERUMO CORPORATION and TERUMO CARDIOVASCULAR SYSTEMS

~~[PROPOSED]~~ **ORDER**

TO ANY CONSUL OR VICE CONSUL OF THE UNITED STATES OF AMERICA AT UNITED STATES EMBASSY TOKYO, JAPAN:

On stipulation of the Parties, and pursuant to Article 17 of the United States-Japan Consular Convention and Protocol, 15 U.S.T. 768, it is ORDERED that the depositions of the following witnesses, who will appear voluntarily, be taken at the United States Embassy in Tokyo, Japan:

Name: Atsuhiko (Jun) Nogawa
Employer: Terumo Corporation
Address: 44-1, 2-chome
Hatagaya, Shibuya-ku
Tokyo, 151-0072, Japan

Name: Masao Hitotsuyanagi
Employer: Terumo Corporation
Address: 44-1, 2-chome
Hatagaya, Shibuya-ku
Tokyo, 151-0072, Japan

Name: Tsukasa Ikegami
Employer: Terumo Corporation
Address: 44-1, 2-chome
Hatagaya, Shibuya-ku
Tokyo, 151-0072, Japan

Name: Hidenobu Andou
Employer: Terumo Corporation
Address: 44-1, 2-chome
Hatagaya, Shibuya-ku
Tokyo, 151-0072, Japan

Name: Yuki Ozawa
Employer: Terumo Corporation
Address: 44-1, 2-chome
Hatagaya, Shibuya-ku
Tokyo, 151-0072, Japan

commencing on or about September 2, 2008 at 9:00 a.m. local time and terminating on or about September 5, 2008 at 5:00 p.m. local time.

Counsel for Plaintiff who will participate in said deposition will include one or more of the following: James G. Snell, Gary M. Hnath, or Scott T. Bluni. Counsel for Defendants who

will participate in said deposition will include one or more of the following: Mathias Samuel, Sara Cotton, Gael Tisack, and one or more Japanese employees of Terumo Corporation. The proceedings will be recorded stenographically and by videotape by personnel to be arranged by Plaintiff. The names of the court reporter and videographer will be provided by Plaintiff to the Embassy in accordance with the Embassy's procedures. The transcript of the depositions will be prepared and distributed among the interested parties by the court reporter without further involvement by the Embassy. The proceedings will be interpreted by personnel to be arranged by Plaintiff. Defendants may retain a second interpreter to act as a check on the translations provided by Plaintiff's interpreter. The name(s) of the interpreter(s) will be provided by the Parties to the Embassy in accordance with the Embassy's procedures.

DATED: August 5, 2008

Honorable Jeffrey S. White
United States District Court Judge