UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

COVIDIEN SALES LLC, COVIDIEN LP, f/k/a TYCO HEALTHCARE GROUP, LP and UNITED STATES SURGICAL CORPORATION, *Plaintiffs,*	:	Civil Action No: 3:14-cv-00917 (JCH)
v.	:	
ETHICON ENDO-SURGERY, INC., *Defendant.*	:	November 9, 2015

STIPULATION OF WITHDRAWAL AND DISMISSAL
AND [PROPOSED] ORDER

WHEREAS in the above-captioned matter before the United States District Court for the District of Connecticut (the "Court"), Plaintiffs Covidien Sales LLC, Covidien LP, f/k/a Tyco Healthcare Group, LP and United States Surgical Corporation (collectively, "Covidien") posted a preliminary injunction bond in the amount of $5,000,000 (Doc. 125), pursuant to the Court's "Preliminary Injunction Order," dated October 22, 2014 (Doc. 121);

WHEREAS on March 25, 2015, the United States Court of Appeals for the Federal Circuit reversed the Court's order granting a preliminary injunction and remanded for any necessary further proceedings (Doc. 141);

WHEREAS on May 1, 2015, Covidien and Defendant Ethicon Endo-Surgery, Inc. ("Ethicon") filed a joint Stipulation (Doc. 146), so-ordered on May 19, 2015 (Doc. 148), which, among other things: (i) dismissed Covidien's claims with prejudice (subject to resolution of a petition for writ of certiorari filed with the Supreme Court of the United States on July 27, 2015, in the related appeal, styled *Tyco Healthcare LP and United States Surgical Corporation v. Ethicon Endo-Surgery, Inc.*, No. 13-1324, -1381), No. 15-

115 (Sup. Ct.) ("Tyco Appeal")); and (ii) dismissed Ethicon's affirmative defenses and counterclaims without prejudice;

WHEREAS on June 18, 2015, Ethicon filed its Motion to Recover Against the Preliminary Injunction Bond (Doc. 152);

Covidien and Ethicon, by and through their undersigned attorneys, and pursuant to a settlement agreement between the parties, hereby stipulate and agree that upon entry of this stipulation as an Order:

1. Ethicon's Motion to Recover Against the Preliminary Injunction Bond shall be withdrawn (Doc. 152);
2. Any and all other claims, counterclaims and defenses in this matter shall be dismissed with prejudice; provided, however, that in the event the Federal Circuit's judgment of invalidity for any claims of the patents-in-suit in the Tyco Appeal is reversed or vacated in whole or in part, Covidien reserves its right to reassert infringement against Ethicon and Ethicon reserves its right to reassert its affirmative defenses and counterclaims.
3. Each party shall bear its own costs and attorneys' fees;
4. The $5,000,000 surety bond posted by Covidien (Doc. 125) shall be released.

THE PLAINTIFFS

By /s/ David N. Rosen
Dated: November 9, 2015

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THE DEFENDANT

By /s/ James T. Shearin
Dated: November 9, 2015

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Ethicon Endo-Surgery, Inc.

IT IS SO ORDERED:

Dated: _____

_____
JANET C. HALL, U.S.D.J.

CERTIFICATE OF SERVICE

I hereby certify that on November 9, 2015, a copy of the foregoing Stipulation of Withdrawal and Dismissal was filed electronically and served by e-mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

/s/ David N. Rosen
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