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 CENTRAL DISTRICT OF CALIFORNIA  
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 16 MALLINCKRODT, INC.

**FAXED**

UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA  
 WESTERN DIVISION

17 MASIMO CORPORATION, a  
 18 Delaware corporation,

Case No. CV 02-4770 MRP (AJWx)

Plaintiff,

~~PROPOSED~~ JUDGMENT

v.

24 TYCO HEALTHCARE GROUP LP, a  
 Delaware Partnership, and  
 25 MALLINCKRODT, INC., a Delaware  
 26 corporation,

Defendants.

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This action came on for trial before a jury and the Court, the Hon. Mariana R. Pfaelzer, Senior United States District Judge, presiding, and the issues having been duly tried, the jury having duly rendered its verdict, and the Court having duly rendered its decisions and orders,

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED** as follows:

1. That, for the reasons stated in the Court's Memorandum of Decision on Damages and Plaintiff Masimo Corporation's Motion to Accept Proffered Evidence or Set Aside the Verdict, filed on June 6, 2007, the Court's Memorandum of Decision Re: Post-Trial Motions, filed on March 22, 2006, and the Court's Minute Order, filed on January 25, 2007, judgment be entered in favor of Plaintiff Masimo Corporation in the amount of \$14,500,000, which is trebled to \$43,500,000, pursuant to 15 U.S.C. § 15(a).

2. Plaintiff Masimo Corporation's demand for a permanent injunction is denied for the reasons stated in the Court's Memorandum of Decision Re: Post-Trial Motions, filed on March 22, 2006.

3. Notwithstanding the entry of this judgment, the Court hereby retains continuing jurisdiction to determine the amount of attorneys' fees and costs, if any, to be awarded to Plaintiff Masimo Corporation.

Dated: June 29, 2007.

Mariana R. Pfaelzer  
Hon. Mariana R. Pfaelzer  
SENIOR UNITED STATES DISTRICT JUDGE

**PROOF OF SERVICE**

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I am a citizen of the United States and a resident of the State of California  
I am employed in San Francisco County, State of California, in the office of a  
member of the bar of this Court, at whose direction the service was made. I am  
over the age of eighteen years, and not a party to the within action. My business  
address is Cooley Godward Kronish LLP, 101 California Street, 5th Floor, San  
Francisco, California 94111-5800. On the date set forth below I served the  
documents described below in the manner described below:

▪ **[PROPOSED] JUDGMENT**

(BY OVERNIGHT MAIL) I am personally and readily familiar with the  
business practice of Cooley Godward Kronish LLP for collection and  
processing of correspondence for overnight delivery, and I caused such  
document(s) (*w/exhibits*) described herein to be deposited for delivery to a  
facility regularly maintained by Delivery Service for overnight delivery.

(BY ELECTRONIC MAIL) I am personally and readily familiar with the  
business practice of Cooley Godward Kronish LLP for the preparation and  
processing of documents in portable document format (PDF) for e-mailing,  
and I caused said documents (*w/o exhibits*) to be prepared in PDF and then  
served by electronic mail to the parties listed below:

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Executed on June 21, 2007, at San Francisco, California.

  
\_\_\_\_\_  
Rita Low