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MASIMO CORPORATION

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14 Attorneys for Defendants
15 TYCO HEALTHCARE GROUP LP; and
MALLINCKRODT INC.

17 UNITED STATES DISTRICT COURT
18 CENTRAL DISTRICT OF CALIFORNIA
19 WESTERN DIVISION

21 MASIMO CORPORATION, a Delaware
22 Corporation,

23 Plaintiff,

24 v.

25 TYCO HEALTHCARE GROUP LP, a
26 Delaware Partnership, and
MALLINCKRODT, INC., a Delaware
27 Corporation,

28 Defendants.

CASE NO. CV 02-4770 MRP (AJWx)

SATISFACTION OF JUDGMENT

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WHEREAS, on June 29, 2007, a judgment was recovered by Plaintiff Masimo Corporation against Defendants Tyco Healthcare Group LP and Mallinckrodt, Inc. in the above-entitled action for the sum of \$43,500,000, with interest, and costs (\$870,101.87), with interest, and attorney's fees (\$7,823,550.10), with interest;

WHEREAS, said judgment has been fully satisfied by Defendants; and

WHEREAS, full satisfaction of the said judgment excludes any award of Plaintiff's appellate attorney's fees, costs, and expenses from Plaintiff's application before the Ninth Circuit, which was not part of the district court judgment and is currently in dispute.

THEREFORE, satisfaction of the said judgment is hereby acknowledged and the Clerk of this Court is hereby authorized and directed to cancel and discharge the same.

DATED: February 9, 2010

M. Laurence Popofsky
Scott A. Westrich
Deborah K. Croyle
ORRICK, HERRINGTON & SUTCLIFFE LLP

By: 
Scott A. Westrich

Attorneys for Plaintiff
MASIMO CORPORATION

DATED: February __, 2010

Christopher D. Dusseault
Carol M. Silberberg
Heather L. Richardson
GIBSON, DUNN & CRUTCHER LLP

By: _____
Christopher D. Dusseault

Attorneys for Defendants
TYCO HEALTHCARE GROUP LP; and
MALLINCKRODT INC.

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WHEREAS, on June 29, 2007, a judgment was recovered by Plaintiff Masimo Corporation against Defendants Tyco Healthcare Group LP and Mallinckrodt, Inc. in the above-entitled action for the sum of \$43,500,000, with interest, and costs (\$870,101.87), with interest, and attorney's fees (\$7,823,550.10), with interest;

WHEREAS, said judgment has been fully satisfied by Defendants; and

WHEREAS, full satisfaction of the said judgment excludes any award of Plaintiff's appellate attorney's fees, costs, and expenses from Plaintiff's application before the Ninth Circuit, which was not part of the district court judgment and is currently in dispute.

THEREFORE, satisfaction of the said judgment is hereby acknowledged and the Clerk of this Court is hereby authorized and directed to cancel and discharge the same.

DATED: February __, 2010


M. Laurence Popofsky
Scott A. Westrich
Deborah K. Croyle
ORRICK, HERRINGTON & SUTCLIFFE LLP

By: _____
Scott A. Westrich

Attorneys for Plaintiff
MASIMO CORPORATION

DATED: February 11, 2010

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Carol M. Silberberg
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By: 
Christopher D. Dusseault

Attorneys for Defendants
TYCO HEALTHCARE GROUP LP; and
MALLINCKRODT INC.

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