

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE CYBERONICS INC.
SECURITIES LITIGATION

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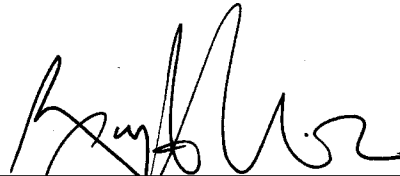
CIVIL ACTION H-05-2121

FINAL JUDGMENT

In accordance with the court's memorandum opinion signed this date, the plaintiffs' case, including member case No. 4:05-CV-2414, is dismissed with prejudice.

This is a FINAL JUDGMENT.

Signed at Houston, Texas on October 4, 2007.



Grant H. Miller
United States District Judge