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5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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8 MEDTRONIC, INC., et al.,

No. C 07-567 MMC

9 Plaintiffs,

10 v.

11 AGA MEDICAL CORPORATION,

12 Defendant.  
13 \_\_\_\_\_/

**ORDER DENYING MEDTRONIC'S  
MOTION FOR ADMINISTRATIVE  
RELIEF; SETTING HEARING DATE ON  
MEDTRONIC'S OUTSTANDING  
MOTIONS FOR SUMMARY JUDGMENT**

14 Before the Court is plaintiff Medtronic, Inc.'s "Motion for Administrative Relief from  
15 the Court's Pretrial Preparation Order Deadline to File a Dispositive Motion Concerning  
16 AGA's Defense of Obviousness-Type Double Patenting ("OTDP")," filed October 2, 2009.  
17 As defendant AGA Medical Corporation points out, irrespective of whether Medtronic  
18 learned of the OTDP defense at a time subsequent to the dispositive motion filing cut-off,  
19 once Medtronic concededly was apprised of the defense, Medtronic had ample opportunity  
20 to seek leave to file a dispositive motion long before it did so.

21 Accordingly, Medtronic's Motion is hereby DENIED.

22 At Medtronic's request, Medtronic's motions for summary judgment on the issues of  
23 equitable estoppel and inequitable conduct are hereby SET for hearing on November 20,  
24 2009 at 9:00 a.m.

25 **IT IS SO ORDERED.**

26  
27 Dated: October 14, 2009

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MAXINE M. CHESNEY  
United States District Judge