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 MEDTRONIC, INC., MEDTRONIC USA, INC.,
 10 AND MEDTRONIC VASCULAR, INC.

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 SAN FRANCISCO DIVISION

15 MEDTRONIC, INC., a Minnesota
 corporation, MEDTRONIC USA, INC., a
 16 Minnesota corporation, and MEDTRONIC
 VASCULAR, INC., a Delaware
 17 corporation,

18 Plaintiffs,

19 v.

20 AGA MEDICAL CORPORATION, a
 Minnesota corporation,

21 Defendant.

Case No. C07-00567 MMC (EMC)

**JOINT STIPULATION AND [PROPOSED]
 ORDER REQUESTING SHORTENED
 TIME ON MEDTRONIC'S MOTION TO
 STRIKE PORTIONS OF AGA'S OPENING
 EXPERT REPORTS UNDER FRCP 12(f)**

1 Pursuant to Civ. L.R. 6-2, the parties jointly submit this Joint Stipulation requesting a
2 shortened briefing schedule and expedited hearing regarding Medtronic's Motion to Strike
3 Portions of AGA's Opening Expert Reports Under FRCP 12(f), which is currently noticed for
4 hearing on March 13, 2009.

5 The underlying dispute relates to AGA's expert reports. The parties are currently in the
6 midst of exchanging Rule 26(a)(2) expert reports. Opening expert reports were exchanged on
7 January 23, 2009. Rebuttal expert reports are due on February 6, 2009. Expert depositions will
8 commence sometime after February 6, 2009. Expert discovery closes on February 27, 2009
9 (which is the same shortened hearing date that the parties are jointly seeking). Declaration of
10 Michelle W. Yang in support of Medtronic's Motion to Shorten Time on Medtronic's Motion to
11 Strike Portions of AGA's Opening Expert Reports Under FRCP 12(f) ("Yang Decl."), ¶ 3. The
12 underlying Motion to Strike is related to AGA's expert reports.

13 Medtronic complied with Civ. Local Rule 37-1(a) and sought a stipulation with AGA on
14 this instant Motion to Shorten Time. On February 3, 2009, Medtronic met and conferred with
15 AGA to discuss the underlying Motion to Strike. On February 4, 2009, the parties came to
16 agreement on the proposed shortened schedule.. Yang Decl., ¶ 4.

17 If the Court does not shorten the hearing date on the underlying Motion to Strike,
18 important issues concerning the underlying Motion to Strike will go undecided through all of
19 expert discovery and into the briefing schedule for summary judgment motions. Yang Decl., ¶ 5.

20 Pursuant to Civ. Local Rule 6-3(a)(5), previous time modifications in this case include the
21 following:

- 22 (a) Extension for AGA to Answer the Complaint [Dkt. No. 8];
- 23 (b) Extension for Medtronic to Answer the Counterclaims [Dkt. No. 16];
- 24 (c) Extension for both parties to exchange Preliminary Claim Constructions and Extrinsic
25 Evidence [Dkt. No. 33];
- 26 (d) Extension for both parties to disclose Expert Witnesses [Dkt. No. 36];
- 27 (e) Extension for both parties to exchange Claim Construction Exhibits and Tutorial
28 Materials [Dkt. No. 82];

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- (f) Extension for AGA to file a Redacted Claim Construction Brief and Declaration Exhibits [Dkt. No. 87];
- (g) Extension of Fact and Expert Discovery Cut-Off Dates [Dkt. No. 133];
- (h) Shortened briefing schedule and hearing date for both parties motions to compel fact discovery [Dkt. No. 163]; and
- (i) Shortened briefing schedule and hearing date for AGA’s motion for leave to amend its counterclaims (to add false-marking counterclaim) [Dkt. No. 222] (still pending).

Yang Decl., ¶ 7.

The parties jointly request a shortened briefing schedule as follows: (1) AGA to file its Opposition by February 10, 2009 (by no later than 6:00 p.m. PST); (2) Medtronic to file its Reply by February 13, 2009; and (3) the hearing to be held 14 days after the reply, ~~Friday, February 27, 2009~~ ^{February 25, 2009 at 10:30am}. Yang Decl., ¶ 7. These Modifications will not affect any other deadlines in this case.

Yang Decl., ¶ 8.

SO STIPULATED

Dated: February 4, 2009

Dechert LLP

By: /s/ Michelle W. Yang

James J. Elacqua
 Noemi C. Espinosa
 Michelle W. Yang
 Hieu H. Phan
 Joshua C. Walsh-Benson

 Attorneys for Plaintiffs
 MEDTRONIC, INC., MEDTRONIC USA,
 INC., AND MEDTRONIC VASCULAR, INC.

Dated: February 4, 2009

For Defendant
AGA MEDICAL CORPORATION:

By: /s/ Lance A. Lawson

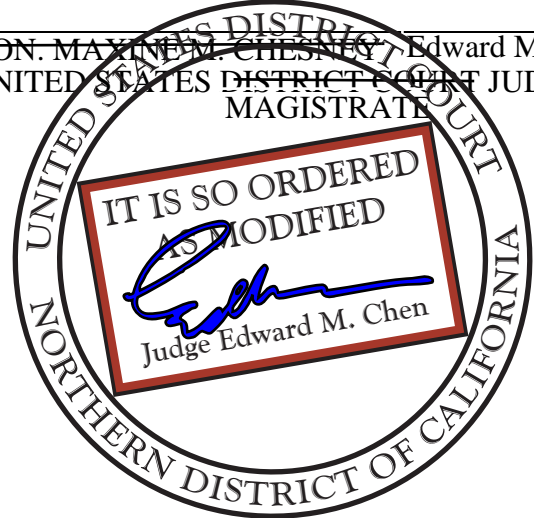
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PURSUANT TO STIPULATION, IT IS SO ORDERED, that the motion to strike is set for 2/25/09 at 10:30 a.m. before Magistrate Judge Edward M. Chen in Courtroom C, 15th Fl., 450 Golden Gate Ave., San Francisco, CA 94102. Opposition due 2/10/09. Reply due 2/13/09.

Dated: _____

~~HON. MAXINE M. CHESTNEY~~ Edward M. Chen
UNITED STATES DISTRICT COURT JUDGE
MAGISTRATE



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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record, who are deemed to have consented to electronic service, are being served this 4th day of February, 2009, with an electronic copy of this document via the Court's CM/ECF system.

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