

1
2
3
4
5
6 IN THE UNITED STATES DISTRICT COURT
7
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA

9 MEDTRONIC, INC., et al.,

No. C-07-0567 MMC

10 Plaintiffs,

11 v.

12 AGA MEDICAL CORPORATION,

13 Defendant.

**ORDER RE: MEDTRONIC'S (1) MOTION
FOR SUMMARY JUDGMENT AGAINST
AGA'S EQUITABLE ESTOPPEL
AFFIRMATIVE DEFENSE/
COUNTERCLAIM AND (2) MOTION FOR
SUMMARY JUDGMENT OF NO
INEQUITABLE CONDUCT**

14
15 Before the Court are plaintiffs Medtronic, Inc., Medtronic USA, Inc., and Medtronic
16 Vascular, Inc.'s (collectively, "Medtronic") Motion for Summary Judgment against AGA's
17 Equitable Estoppel Affirmative Defense and Counterclaim, filed February 27, 2009, and
18 Medtronic's Motion for Summary Judgment of No Inequitable Conduct, likewise filed
19 February 27, 2009. With respect to each motion, defendant AGA Medical Corporation
20 ("AGA") has filed opposition, to which Medtronic has replied.

21 Because the issues of equitable estoppel and inequitable conduct will be tried to the
22 Court, rather than to the jury, the Court will defer ruling on the motions and will discuss, at
23 the Pretrial Conference, the subsequent scheduling thereof.

24 **IT IS SO ORDERED.**

25 Dated: April 28, 2009

26 
MAXINE M. CHESNEY
United States District Judge