

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TYCO HEALTHCARE GROUP LP d/b/a
VNUS MEDICAL TECHNOLOGIES,

Plaintiff

v.

TOTAL VEIN SOLUTIONS, LCC d/b/a
TOTAL VEIN SYSTEMS,

Defendant

No. 08-3129 MMC

**ORDER GRANTING IN PART
DEFENDANT'S MOTION FOR
ADMINISTRATIVE RELIEF TO
CONTINUE HEARING ON PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT**

Before the Court is defendant Total Vein Solutions, LLC d/b/a Total Vein Systems' ("TVS") "Motion for Administrative Relief to Continue Hearing on Plaintiff's Motion for Summary Judgment," filed September 21, 2011, by which TVS seeks a 30- to 45-day continuance of the hearing in order to provide its recently retained "restructuring counsel" the opportunity to review a settlement proposal made by plaintiff Tyco Healthcare Group LP d/b/a VNUS Medical Technologies ("VNUS"). VNUS has filed opposition, expressing a concern that TVS continues to infringe VNUS's patents. Having read and considered the parties' respective written submissions, the Court rules as follows.

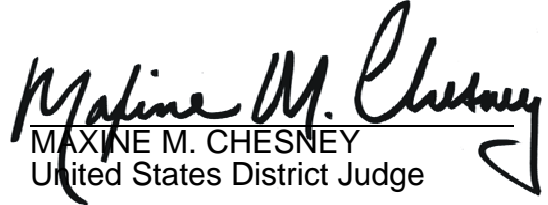
Although, as VNUS points out, TVS could appear at the hearing as scheduled and continue its analysis of the settlement thereafter, the Court finds a brief further extension of

1 the hearing date is appropriate.¹ Given the Court's calendar, the earliest date available
2 after the currently scheduled hearing date is October 21, 2011, the date on which the
3 parties are to appear for the next case management conference.

4 Accordingly, TVS's motion is hereby GRANTED in part, and the hearing on VNUS's
5 motion for summary judgment is hereby CONTINUED to October 21, 2011, at 9:00 a.m.

6 **IT IS SO ORDERED.**

7
8 Dated: September 27, 2011

9 
MAXINE M. CHESNEY
United States District Judge

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

27 ¹VNUS argues the current posture of the parties' negotiations is essentially
28 unchanged since the time of VNUS's earlier demand in August 2010. The Court notes,
however, that in the interim, VNUS has been awarded a sizeable judgment by a jury and all
other defendants have settled.