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23 Attorneys for Defendants  
24 Abbott Cardiovascular Systems Inc.,  
25 Abbott Laboratories, and Abbott Vascular, Inc.

26 **UNITED STATES DISTRICT COURT**  
27 **NORTHERN DISTRICT OF CALIFORNIA**  
28 **SAN FRANCISCO DIVISION**

18 MEDTRONIC VASCULAR, INC.  
19 MEDTRONIC USA, INC., MEDTRONIC,  
20 INC., MEDTRONIC VASCULAR  
21 GALWAY, LTD., and EVYSIO MEDICAL  
22 DEVICES, ULC

23 Plaintiffs/Counterclaim-Defendants

24 v.

25 ABBOTT CARDIOVASCULAR  
26 SYSTEMS INC., ABBOTT  
27 LABORATORIES, and ABBOTT  
28 VASCULAR, INC.

Defendants/Counterclaim-Plaintiffs

and

BOSTON SCIENTIFIC CORPORATION  
Counterclaim-Plaintiff

CASE NO. 06-01066 PJH (EMC)

**DISCOVERY MATTER**

**STIPULATION TO MODIFY DATE AND  
TIME OF HEARING ON ABBOTT AND  
BSC'S MOTION TO STRIKE  
PLAINTIFFS' SUPPLEMENTAL EXPERT  
REPORT OF DR. ROBERT EBERHART  
AND [PROPOSED] ORDER**

**Hearing Date: September 24, 2008**  
**Time: 10:30 a.m.**  
**Place: Courtroom C, 15<sup>th</sup> Floor**  
**Judge: Hon. Edward M. Chen**

STIPULATION TO MODIFY HEARING DATE AND TIME

Case No. 06-01066 PJH (EMC)

1. Plaintiffs Medtronic Vascular, Inc., Medtronic USA, Inc., Medtronic, Inc., Medtronic Vascular Galway, Ltd., and Evysio Medical Devices ULC (collectively, "Plaintiffs"), and Defendants Advanced Cardiovascular Systems Inc., Abbott Laboratories, and Abbott Vascular, Inc. (collectively, "Defendants"), and Counterclaim Plaintiff Boston Scientific Corporation, by their undersigned attorneys, stipulate that, with the Court's permission, the date and time of the hearing on Defendants' and BSC's Motion to Strike Plaintiffs' Supplemental Expert Report of Dr. Robert Eberhart be moved back by two weeks to coincide with Plaintiffs' Plaintiffs' Motion to De-Designate AB0727117-122, currently scheduled for October 8, 2008 at 10:30 am. The briefing on this motion has been completed, and the move is requested as a matter of convenience to the parties, to minimize travel costs and to avoid a conflict presented by the summary judgment motion hearing, scheduled to occur in Judge Hamilton's court at 9:00 am on September 24, 2008.

By his signature below, counsel for Defendants attests that counsel for all parties concur in the filing of this stipulation.

Dated: September 15, 2008

**FOLEY & LARDNER LLP**

BY: \_\_\_\_\_/s/\_\_\_\_\_  
Cynthia J. Franecki

Attorneys for Plaintiffs Medtronic Vascular, Inc., Medtronic USA, Inc., Medtronic, Inc., and Medtronic Vascular Galway, Ltd.

Dated: September 15, 2008

**KATTEN MUCHIN & ROSENMAN LLP**

BY: \_\_\_\_\_/s/\_\_\_\_\_  
Timothy J. Vezeau

Attorneys for Plaintiff Evysio Medical Devices ULC

1 Dated: September 15, 2008

**FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, LLP**

4 BY: \_\_\_\_\_/s/\_\_\_\_\_  
Robert F. McCauley III

6 Attorneys for Defendants Abbott  
Cardiovascular Systems, Inc., Abbott  
7 Laboratories, and Abbott Vascular, Inc.

8 Dated: September 15, 2008

**FISH & RICHARDSON P.C.**

11 BY: \_\_\_\_\_/s/\_\_\_\_\_  
Christopher Dillon

13 Attorneys for Counterclaim Plaintiff  
Boston Scientific Corporation

16 **~~PROPOSED~~ ORDER**

17 Pursuant to stipulation, IT IS SO ORDERED. The hearing on Defendants' and BSC's  
18 Motion to Strike Plaintiffs' Supplemental Expert Report of Dr. Robert Eberhart shall be heard on  
19 October 8, 2008 at 10:30 am, in Courtroom C, 15<sup>th</sup> Floor.

20 Dated: September 16, 2008



21 \_\_\_\_\_  
United States Magistrate Judge Edward M. Chen