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ABBOTT VASCULAR, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MEDTRONIC VASCULAR, INC.,
MEDTRONIC USA, INC., MEDTRONIC,
INC., MEDTRONIC VASCULAR GALWAY,
LTD., and EVYSIO MEDICAL DEVICES,
ULC,

Plaintiffs, Counterclaim
Defendants, and Defendants to
Complaint-in-Intervention,

v.

ABBOTT CARDIOVASCULAR SYSTEMS,
INC., ABBOTT LABORATORIES, and
ABBOTT VASCULAR, INC.,

Defendants and Counterclaim
Plaintiffs,

Case No. 06-01066-PJH (EMC)

DISCOVERY MATTER

**STIPULATION AND [PROPOSED]
ORDER TO SHORTEN TIME**

1 and
2 BOSTON SCIENTIFIC CORPORATION,
3 Plaintiff-Intervenor. and
4 Counterclaim Defendant.

5
6 On October 31, 2008, Plaintiffs, Counterclaim Defendants, and Defendants to Complaint-
7 in-Intervention, Medtronic Vascular, Inc., Medtronic USA, Inc., Medtronic, Inc., and Medtronic
8 Vascular Galway, Ltd. (collectively “Medtronic Plaintiffs”) moved for an order compelling
9 Defendants and Counterclaim Plaintiffs Abbott Cardiovascular Systems, Inc., Abbott
10 Laboratories, and Abbott Vascular, Inc. (collectively “Abbott Defendants”) to respond to
11 damages fact discovery served by Medtronic Plaintiffs. (Dkt. # 554.) The hearing on this
12 motion is noticed for December 10, 2008, allowing Abbott Defendants until November 19, 2008,
13 to file and serve any opposition under the Local Rules, and Medtronic Plaintiffs until November
14 26, 2008, to file and serve a reply.

15 There is a dispute between Medtronic Plaintiffs and Abbott Defendants as to whether
16 damages fact discovery between those parties is closed. Abbott Defendants believe that it closed
17 on August 22, 2008 (Dkt. # 426), while Medtronic Plaintiffs believe that it is open until
18 November 21, 2008 (Dkt. # 550). Given Medtronic Plaintiffs’ position that the close of damages
19 fact discovery is set for November 21, 2008, twenty days before the noticed motion date,
20 Medtronic Plaintiffs requested that Abbott Defendants agree to an expedited hearing and an
21 accelerated briefing time-table in an effort to minimize possible modifications to the Court’s
22 current schedule. Abbott Defendants do not believe that there is good cause to shorten time or
23 that such measures are necessary, but have agreed to Medtronic Plaintiffs’ request as a
24 professional courtesy (and provided the Court agrees).

25 There have been no previous time modifications related to this motion.

26 Accordingly, as shown by their signatures below, Medtronic Plaintiffs and Abbott
27 Defendants hereby stipulate, with the Court’s permission, to shorten time as follows:
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Current Schedule

Proposed Schedule

Abbott Defendants' Opposition	November 19, 2008	November 12, 2008
Medtronic Plaintiffs' Reply	November 26, 2008	November 14, 2008, by 12 p.m. (PST)
Hearing	December 10, 2008	November 19, 2008

By her signature below, counsel for Medtronic Plaintiffs attests that counsel for Abbott Defendants concurs in the filing of this stipulation.

Dated: November 5, 2008

FOLEY & LARDNER LLP

By: s/Kadie M. Jelenchick
Kadie M. Jelenchick

Attorneys for Plaintiffs, Counterclaim Defendants, and Defendants to Complaint-in-Intervention Medtronic Vascular, Inc., Medtronic USA, Inc., Medtronic, Inc., and Medtronic Vascular Galway, Ltd.

Dated: November 5, 2008

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

By: s/Robert F. McCauley
Robert F. McCauley

Attorneys for Defendants and Counterclaim Plaintiffs Abbott Cardiovascular Systems, Inc., Abbott Laboratories, and Abbott Vascular, Inc.

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[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: November 5, 2008

Edward M. Chen
United States Magistrate Judge

