

1 **FOLEY & LARDNER LLP**
ONE MARITIME PLAZA, 6TH FLOOR
2 SAN FRANCISCO, CA 94111-3409
TEL: (415) 434-4484; FAX: (415) 434-4507
3 NANCY J. GEENEN, BAR NO. 135968
ngeenen@foley.com

4 **FOLEY & LARDNER LLP**
777 EAST WISCONSIN AVENUE, SUITE 3800
MILWAUKEE, WI 53202-5306
5 TEL: (414) 271-2400; FAX: (414) 297-4900
6 RICHARD S. FLORSHEIM, *PRO HAC VICE*
rflorsheim@foley.com

7 ATTORNEYS FOR PLAINTIFFS MEDTRONIC
VASCULAR, INC., MEDTRONIC USA, INC.,
8 MEDTRONIC, INC., AND MEDTRONIC VASCULAR
GALWAY, LTD.

9 **KATTEN MUCHIN ROSENMAN LLP**
525 WEST MONROE STREET
CHICAGO, IL 60661-3693
10 TEL: (312) 902-5200; FAX: (312) 902-1061
TIMOTHY J. VEZEAU, *PRO HAC VICE*
timothy.vezeau@kattenlaw.com

11 **KEKER & VAN NEST LLP**
710 SANSOME STREET
SAN FRANCISCO, CA 94111-1704
12 TEL: (415) 391-5400; FAX: (415) 397-7188
ROBERT A. VAN NEST, BAR NO. 84065
rvannest@kvn.com

13 ATTORNEYS FOR PLAINTIFF EVYSIO MEDICAL
14 DEVICES ULC

15
16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 SAN FRANCISCO DIVISION

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

21 Plaintiffs,

22 v.

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

25 Defendants.
26

**FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER LLP**
STANFORD RESEARCH PARK
3300 HILLVIEW AVENUE
PALO ALTO, CA 94304-1203
TEL: (650) 849-6600; FAX: (650) 849-6666
ROBERT F. MCCAULEY III, BAR NO. 162056
robert.mccauley@finnegan.com

**FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER LLP**
901 NEW YORK AVENUE, N.W.
WASHINGTON, D.C. 2001-4413
TEL: (202) 408-4000; FAX: (202) 408-4400
MICHAEL A. MORIN, *PRO HAC VICE*
michael.morin@finnegan.com

ATTORNEYS FOR DEFENDANTS ABBOTT
CARDIOVASCULAR SYSTEMS, INC., ABBOTT
LABORATORIES, AND ABBOTT VASCULAR, INC.

Case No. 06-01066-PJH

**STIPULATION AND [PROPOSED]
ORDER TO ENLARGE THE DAMAGES
DISPOSITIVE MOTION BRIEFING
SCHEDULE**

27 Pursuant to Civil L.R. 6-1(b), Plaintiffs Medtronic Vascular, Inc., Medtronic USA, Inc.,
28 Medtronic, Inc., Medtronic Vascular Galway, Ltd., and evYsio Medical Devices ULC

1 (“Plaintiffs”) and Defendants Abbott Cardiovascular Systems, Inc., Abbott Laboratories, and
2 Abbott Vascular, Inc. (“Defendants”) file this Stipulation and Proposed Order to Enlarge the
3 Damages Dispositive Motion Briefing Schedule. Specifically, subject to approval by the Court,
4 the parties have agreed and stipulate to extend the deadlines (1) for the Responses to Damages
5 Dispositive Motions from March 18, 2009 to March 20, 2009; and (2) for the Replies to
6 Damages Dispositive Motions from March 25, 2009 to March 27, 2009. The parties do not
7 believe that these proposed changes will affect the April 8, 2009 hearing date on the Damages
8 Dispositive Motions previously set by the Court. (*See* Am. Case Mgmt. & Pretrial Order, Dkt. #
9 507 at 1; Stip. & Order Setting Forth Schedule, Dkt. # 550, at 3.)

10 Mr. David Brown, an employee of Abbott, is identified by Abbott as a potential witness
11 and submitted a declaration in support of Defendants’ Motion for Summary Judgment that
12 Plaintiffs May Not Recover Lost Profits Damages on Certain Stent Sales (Dkt. # 722), which
13 was filed on March 4, 2009. Plaintiffs requested to take his deposition on March 9, 2009, but
14 given the short time frame, Mr. Brown could not be made available to sit for his deposition until
15 March 17, 2009, one day before the current deadline for Plaintiffs to respond to Defendants’
16 Motion. Thus, recognizing that Plaintiffs’ Opposition Brief would be due only one day after the
17 deposition of Mr. Brown and as a courtesy to Plaintiffs, Defendants proposed (for Plaintiffs’
18 convenience) and Plaintiffs agreed to extend the briefing schedule by two days, subject to the
19 approval of the Court. Accordingly, the parties seek an order permitting the Responses to
20 Damages Dispositive Motions to be filed no later than March 20, 2009, and the Replies to
21 Damages Dispositive Motions to be filed no later than March 27, 2009.

22 Respectfully submitted,

23
24 Date: March 13, 2009

FOLEY & LARDNER LLP

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

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

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Date: March 13, 2009

KATTEN MUCHIN ROSENMAN LLP

By: s/ Timothy J. Vezeau
Timothy J. Vezeau

Attorneys for Plaintiff evYsio Medical Devices ULC

Date: March 13, 2009

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

By: s/ D. Brian Kacedon
D. Brian Kacedon

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

Concurrence in the filing of this document has been obtained from D. Brian Kacedon, the
signatory listed above.

Date: March 13, 2009

FOLEY & LARDNER LLP

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

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

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: 03/16/09



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