

MCANDREWS, HELD & MALLOY, LTD.

500 West Madison Street, 34th Floor
Chicago, Illinois 60661
Tel: (312) 775-8000; Fax: (312) 775-8100
Edward A. Mas II (*pro hac vice*)
emas@mcandrews-ip.com
David D. Headrick (*pro hac vice*)
dheadrick@mcandrews-ip.com
Scott P. McBride (*pro hac vice*)
smcbride@mcandrews-ip.com
Kevin A. O'Connor (*pro hac vice*)
koconnor@mcandrews-ip.com

Attorneys for Plaintiffs
Abbott Laboratories, Inc. and Abbott Cardiovascular Systems Inc.

DECHERT LLP

2440 W. El Camino Real, Suite 700
Mountain View, CA 94040
Tel: (650) 813-4811; Fax: (650) 813-4848
James J. Elacqua - # 187897
james.elacqua@dechert.com
Noemi C. Espinosa - # 116753
nicky.espinosa@dechert.com
Hieu H. Phan - # 218216
hieu.phan@dechert.com
Tina P. SORIANO - # 254777
tina.soriano@dechert.com

Attorneys for Defendants
Medtronic, Inc. and Medtronic Vascular, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ABBOTT LABORATORIES, INC. and)
ABBOTT CARDIOVASCULAR)
SYSTEMS INC.,)
)
)
Plaintiffs,)
)
v.)
)
MEDTRONIC, INC. and MEDTRONIC)
VASCULAR, INC.)
)
)
Defendants.)

C. A. No. 08-04962 DLJ

**STIPULATION AND ORDER
(1) CONTINUING HEARING ON
DEFENDANTS' MOTION TO STAY;
AND (2) MODIFYING THE DATE OF
THE CASE MANAGEMENT
CONFERENCE**

1 PURSUANT TO CIVIL L.R. 7-12, THE PARTIES TO THE ABOVE-ENTITLED CASE
2 HEREBY STIPULATE AND AGREE AS FOLLOWS:

3 WHEREAS, on November 19, 2008, notice was given that the Case Management Conference
4 was scheduled for Friday, March 13, 2009 at 1:30 p.m.;

5 WHEREAS, on January 7, 2009, Defendants Medtronic, Inc. and Medtronic Vascular, Inc.
6 (collectively, "Medtronic") filed a Notice of Motion and Motion to Stay Proceedings Pending PTO
7 Review of Patent Term Extension Application ("Motion to Stay"), noticing the hearing for February 13,
8 2009, at 2:00 p.m.;

9 WHEREAS, counsel for Plaintiffs Abbott Laboratories, Inc. and Abbott Cardiovascular Systems
10 Inc. ("Abbott"), and Medtronic have consulted, and the current hearing date of February 13, 2009
11 presents scheduling conflicts for counsel for Abbott;

12 WHEREAS, the first suitable hearing date for Medtronic's Motion to Stay for counsel for all
13 parties is March 6, 2009;

14 WHEREAS, the parties have counsel and/or other representatives traveling to this Court from
15 locations outside of northern California for (1) the hearing on Medtronic's Motion to Stay, and (2) the
16 Case Management Conference (currently scheduled for March 13, 2009);

17 WHEREAS, it is in the interests of both parties to schedule the hearing on Medtronic's Motion
18 to Stay and the Case Management Conference on the same day;

19 WHEREAS, the time modifications requested below will not have an appreciable effect on the
20 schedule for this action;

21 IT IS HEREBY STIPULATED AND AGREED, subject to the Court's approval, that

22 1. The hearing on Medtronic's Motion to Stay should be continued to **FRIDAY, MARCH**
23 **6, 2009, at 2:00 P.M.** before Judge D. Lowell Jensen in Dept. 1, 4th Floor at 1301 Clay Street, Oakland,
24 California; and

25 2. The scheduled date for Case Management Conference should be shortened by seven (7)
26 days to **FRIDAY, MARCH 6, 2009, at 2:00 P.M.** before Judge D. Lowell Jensen in Dept. 1, 4th Floor
27 at 1301 Clay Street, Oakland, California.

1 Respectfully submitted,

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3 McANDREWS, HELD & MALLOY, LTD.

4 Dated: January 21, 2009

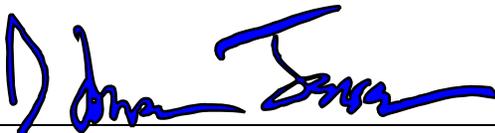
5 /s/ Scott P. McBride
6 Scott P. McBride (*Pro Hac Vice*)
7 Attorneys for Plaintiffs
8 Abbott Laboratories, Inc.
9 Abbott Cardiovascular Systems Inc.

10 Dated: January 21, 2009

11 DECHERT LLP
12 /s/ James J. Elacqua
13 James J. Elacqua
14 Attorneys for Defendants
15 Medtronic, Inc.
16 Medtronic Vascular, Inc.

17 PURSUANT TO STIPULATION, IT IS SO ORDERED.

18 Dated: January 20, 2009

19 
20 _____
21 Honorable D. Lowell Jensen
22 Senior Judge United States District Court
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