

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior District Judge Richard P. Matsch

Civil Action No. 10-cv-02139-RPM

LENOX MACLAREN SURGICAL CORPORATION

Plaintiff,

v.

MEDTRONIC, INCORPORATION, a Minnesota corporation;
MEDTRONIC SOFAMOR DANEK, INCORPORATED, an Indiana corporation;
MEDTRONIC PS MEDICAL, INCORPORATED, d/b/a
MEDTRONIC NEUROLOGIC TECHNOLOGIES, a California corporation; and
MEDTRONIC SOFAMOR DANEK CO., LTD., a Japanese corporation,

Defendants.

ORDER DENYING MOTION TO CERTIFY ORDER
DENYING MOTION TO DISMISS – RULE 12(b)(2)

Without waiting for a response, the Defendants' motion to certify this court's orders dated February 11, 2011 is denied to the extent the motion challenges the denial of the Rule 12(b)(2) motion filed by Medtronic Sofamor Danek Co., Ltd., a Japanese corporation. The allegations of the complaint supporting antitrust claims against all of the defendants are sufficient to allege that Medtronic Sofamor Danek Co., Ltd. had a coordinated interaction with the other defendants to make unwarranted complaints of product defects used as a basis for the product recall that forms an integral part of the plaintiff's claims of anticompetitive conduct. That is an adequate showing of a prima facie basis for personal jurisdiction against the foreign corporation in this action.

Accordingly, it is

ORDERED that the defendants' motion for certification [31] is denied as to the denial of the Rule 12(b)(2) motion to dismiss by Medtronic Sofamor Danek Co., Ltd.

Dated: March 24, 2011

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior District Judge