

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ORBUSNEICH MEDICAL CO., LTD., BVI, and *
ORBUSNEICH MEDICAL INC., *

Plaintiffs, *

v. * Civil Action No. 09-10962-JLT

BOSTON SCIENTIFIC CORPORATION, *

Defendant. *

ORDER

March 18, 2010

TAURO, J.

For the reasons set forth in the accompanying Memorandum, this court hereby orders that Plaintiff's Motion to Strike Exhibits A through K to Defendant's Memorandum in Support of Motion to Dismiss [#64] is ALLOWED as to the June 26, 2003, email, the Cervinka Study, and the patent applications contained in Exhibits E, F, G, H, J, and K to the Motion to Dismiss the Non-Patent Claims, but DENIED as to BSC's 2002 Annual Report and the '208 Application contained in Exhibit I to the Motion to Dismiss. Defendant's Motion to Dismiss Plaintiff's Amended Non-Patent Claims Under Rule 12(b)(6) [#60] is ALLOWED as to the unjust enrichment and fraud claims, alleged in Counts V and VII respectively, but DENIED as to all other non-patent claims.

IT IS SO ORDERED.

/s/ Joseph L. Tauro
United States District Judge