

EXHIBIT 2.M

Docket decision

THE HAGUE DISTRICT COURT

Civil law section

Case number / docket number 316487 / HA ZA 08-2507

Docket decision of November 26, 2008

in the matter of

ABBOTT CARDIOVASCULAR SYSTEMS INC.,
a company incorporated under the laws of the United States of America
with its registered office in Santa Clara,
claimant in the main action
respondent in the counterclaim
attorney: Prof. C.J.J. van Nispen, practicing in Amsterdam

v

1. **MEDTRONIC B.V.**,
a private limited liability company
with its registered office in Heerlen,
2. **MEDTRONIC TRADING NL B.V.**,
a private limited liability company
with its registered office in Heerlen,
3. **B.V. MEDTRONIC FSC**,
a private limited liability company
with its registered office in Heerlen,
defendants in the main action
claimants in the counterclaim
attorney: P.J.M. von Schimdt auf Altenstadt
litigation attorneys: Prof. Ch. Gielen and J.J. Allen, practicing in Amsterdam



The parties will be referred to as Abbott and Medtronic (in the singular) below.

1. The proceedings

[...]

2. Other significant circumstances

2.1 The main action pertains to Abbott's European patent with number 1 068 88442 relating to "Expandable Stents". In the main action, to summarize, Abbott is claiming an infringement injunction, the setting of a judicial penalty and an order for payment of compensation, to be assessed in further quantification proceedings. In the counterclaim, to summarize, Medtronic is principally claiming revocation of the Dutch part of the patent and alternatively an injunction against enforcing the Dutch part of the patent with an order against Abbott to pay compensation to Medtronic for damages that it has suffered through execution of the judgment handed down by the summary trial judge of this Court on August 28, 2008 (B9 7025).

[...]

2.7 The summary trial judge in Maastricht then – to summarize – banned Abbott from examining the evidence that had been gathered and dismissed the counterclaim based on Articles 1019a and 843a, DCCP, in the absence of any urgent interest.

3. Assessment

3.1 This docket decision is concerned exclusively with whether and particularly when the District Court will decide the motion application under Articles 1019a and 843a, DCCP. The crux of the matter is that Abbott is seeking accelerated disposal of the motion, if needs be ignoring what is said in the accelerated regime ruling.

3.2 As the summary trial judge in Maastricht held, the attachment under Article 1019a, DCCP is intended exclusively to secure the evidence. To gain access to the evidence, it would be possible for instance to take the path of Article 1019a in conjunction with Article 843a, DCCP. That path can be taken by means of a summary trial claim, as an action on the merits or as a motion in an action on the merits.

[...]

3.11 In the present case, there is a theoretical possibility – contrary to the regime specified in the ruling – of setting an oral hearing of the motion in the near future and then issuing a decision shortly after that, to the effect that Abbott – if the motion is granted – could examine the evidence and could submit it to the court file before the hearing on February 6, 2009. As this Court understands it, Abbott is proposing to avail itself of this opportunity.

3.12 However, the District Court will not avail itself of this theoretical opportunity. The reason for this is the fact, highlighted by the summary trial judge in Maastricht in the judgment of July 29, 2008 at 3.15, that the evidence Abbott wishes to examine relates to the extent of the damage and infringement and not to the existence of the infringement. Abbott did not deny that it does not need access to the evidence to substantiate the existence of the infringement. In these circumstances, Abbott does not have a sufficiently serious and urgent interest in gaining premature access to the evidence and, furthermore, the disposal of the main action is the more appropriate occasion for assessing the motion. The fact is that if there is a finding in the main action that there was no infringement, there will be no reason for providing Abbott with access to the seized records of Medtronic.

3.13 Abbott's application for accelerated disposal of the motion will be dismissed. In line with the ruling of June 27, 2008, Medtronic will today submit defenses to the motion, after which a decision will be reached on the motion after the oral hearing on February 6, 2009.

4. Decision

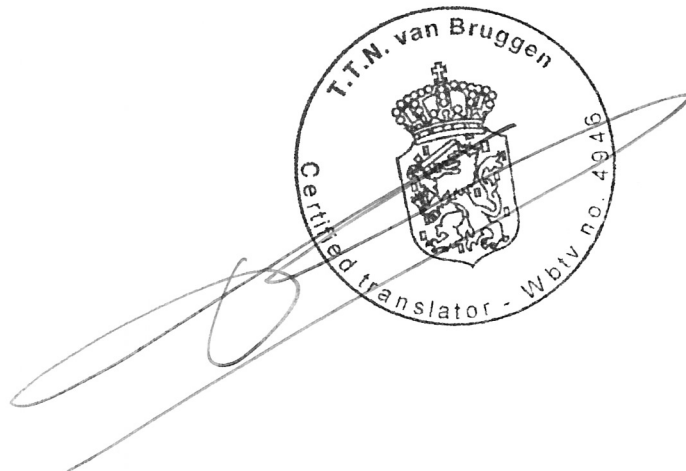
The District Court:

dismisses the application by Abbott, as set out in its letter of November 11, 2008.

This decision was handed down by C.A.J.F.M. Hensen and pronounced in public on November 26, 2008.

I, Tamara Theresia Natasja van Bruggen, residing in Amsterdam, duly sworn as a translator for the English language by the District Court of Amsterdam and listed under number 4946 in the Dutch Register of Sworn Interpreters and Translators (*Register beëdigde tolken en vertalers*) of the Dutch Legal Aid Board (*Raad voor Rechtsbijstand*), the official register of sworn interpreters and translators recognised and approved by the Dutch Ministry of Justice, certify that the foregoing document is a true and faithful translation of the Dutch source text, a copy of which is hereby attached.

Amsterdam, 16 July 2021



rolbeslissing

RECHTBANK 's-GRAVENHAGE

Sector civiel recht

zaaknummer / rolnummer: 316487 / HA ZA 08-2507

Rolbeslissing van 26 november 2008

in de zaak van

de vennootschap naar Amerikaans recht,
ABBOTT CARDIOVASCULAR SYSTEMS INC.,
gevestigd te Santa Clara,
eiseres in conventie,
verweerster in reconventie,
advocaat prof.mr. C.J.J.C. van Nispen te Amsterdam,

tegen

1. de besloten vennootschap
MEDTRONIC B.V.,
gevestigd te Heerlen,
2. de besloten vennootschap
MEDTRONIC TRADING NL B.V.,
gevestigd te Heerlen,
3. de besloten vennootschap
B.V. MEDTRONIC FSC,
gevestigd te Heerlen,
gedaagden in conventie,
eiseressen in reconventie,
advocaat mr. P.J.M. von Schmidt auf Altenstadt,
behandeld door prof. mr. Ch. Gielen en mr J.J. Allen, advocaten te Amsterdam.

Partijen zullen hierna Abbott en Medtronic (in enkelvoud) genoemd worden.

1. De procedure

[REDACTED]

[REDACTED]

[REDACTED]

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