

IN THE UNITED STATES DISTRICT COURT  
IN AND FOR THE DISTRICT OF DELAWARE

- - -

CORDIS CORPORATION, : CIVIL ACTION  
:   
Plaintiff, :   
:   
vs. :   
:   
BOSTON SCIENTIFIC :   
CORPORATION and BOSTON :   
SCIENTIFIC SCIMED, INC., :   
:   
Defendants. : NO. 10-39 (SLR)

- - -

Wilmington, Delaware  
Friday, May 11, 2012  
9:18 o'clock, a.m.

- - -

BEFORE: HONORABLE SUE L. ROBINSON, U.S.D.C.J.

- - -

APPEARANCES:

ASHBY & GEDDES  
BY: STEVEN J. BALICK, ESQ.

-and-

Valerie J. Gunning  
Official Court Reporter

1 APPEARANCES (Continued):

2 SIDLEY AUSTIN LLP

3 BY: DAVID T. PRITIKIN, ESQ.,  
4 WILLIAM BAUMGARTNER, JR., ESQ.,  
5 LINDA R. FRIEDLIEB, ESQ. and  
6 ANTHONY BALKISSOON, ESQ.  
(Chicago, Illinois)

7 -and-

8 SIDLEY AUSTIN LLP

9 BY: PAUL J. ZEGGER, ESQ.  
(Washington, D.C.)

10 -and-

11 JOHNSON & JOHNSON.

12 BY: MICHAEL J. TIMMONS, ESQ.  
13 SENIOR COUNSEL  
14 (New Brunswick, New Jersey)

15 Counsel for Plaintiff

16 YOUNG CONAWAY STARGATT & TAYLOR LLP0

17 BY: KAREN L. PASCALE, ESQ.

18 -and-

19 ARNOLD & PRTER LLP.

20 BY: MATTHEW M. WOLF, ESQ.,  
21 EDWARD HAN, ESQ.,  
22 JOHN NILSSON, ESQ. and  
23 SARA P. ZOGG, ESQ.  
(Washington, D.C.)

24 Counsel for Defendants

25

## P R O C E E D I N G S

(Proceedings commenced in the courtroom,  
beginning at 9:18 a.m.)

THE COURT: Good morning, everyone.

(Counsel respond, "Good morning, your Honor.")

THE COURT: Familiar territory, but I will look  
forward to hearing what you have to say interest everything.

Why don't we start with introductions and then  
we'll move forward.

MR. BALICK: Good morning, your Honor. How are  
you?

Your Honor, Steven Balick from Ashby & Geddes  
for Cordis Corporation, and from the Sidley Austin firm,  
David Pritikin.

MR. PRITIKIN: Good morning.

THE COURT: How are you?

MR. BALICK: William Baumgartner, Paul Zegger,  
Linda Friedlieb.

MR. ZEGGER: Good morning, your Honor.

MS. FRIEDLIEB: Good morning, your Honor.

MR. BAUMGARTNER: Good morning, your Honor.

THE COURT: Good morning.

MR. BALICK: And Anthony Balkissoon.

1 MR. BALKISSOON: Good morning.

2 MR. BALICK: We're also joined today by Michael  
3 Timmons from Johnson & Johnson.

4 MR. TIMMONS: Good morning, your Honor.

5 THE COURT: Good morning.

6 MR. BALICK: Thank you.

7 THE COURT: All right. Thank you very much.

8 MS. PASCALE: Good morning, your Honor. Karen  
9 Pascale from Young Conaway for Boston Scientific. I'd like  
10 to introduce co-counsel from Arnold & Porter. This is Matt  
11 Wolf.

12 MR. WOLF: Good morning, your Honor.

13 MS. PASCALE: John Nilsson.

14 MR. NILSSON: Good morning.

15 THE COURT: Good morning.

16 MS. PASCALE: Ed Han.

17 MR. HAN: Good morning.

18 MS. PASCALE: Sara Zogg.

19 MS. ZOGG: Good morning.

20 MS. PASCALE: Also in the courtroom, your Honor  
21 knows from Boston Scientific, Peter Gatner.

22 THE COURT: Good morning.

23 All right. Give me a minute to get in my  
24 computer so I can be taking my notes.

25 Are we going to start with claim construction,

1 as we usually do?

2 MR. BAUMGARTNER: Your Honor, Bill Baumgartner  
3 for Cordis.

4 The parties had some discussions before the  
5 hearing what about an appropriate order would be and we have  
6 a suggestion for your Honor's consideration that I can hand  
7 up.

8 THE COURT: All right.

9 (Mr. Baumgartner handed a document to the  
10 Court.)

11 THE COURT: Thank you.

12 MR. BAUMGARTNER: Thank you.

13 So for three of the claim terms we would propose  
14 just submitting that on the papers, and then what we've done  
15 is start with the summary judgment motion, unauthorized  
16 sale, and then proceed to the claim construction issues one  
17 by one with the related summary judgment motions being  
18 argued after the relevant claim term.

19 THE COURT: All right.

20 MR. BAUMGARTNER: So that's the concept.

21 THE COURT: All right. Is everyone in  
22 agreement?

23 MR. WOLF: Yes, your Honor.

24 THE COURT: All right. Wonderful. Well, let's  
25 start with BSC's motion.

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