

1 Mark D. Fowler (SBN 124235)
2 mark.fowler@dlapiper.com
3 **DLA PIPER LLP (US)**
4 2000 University Avenue
5 East Palo Alto, California 94303-2250
6 T: (650) 833-2000 | F: (650) 833-2001

7 Kathryn Riley Grasso (SBN 211187)
8 kathryn.riley@dlapiper.com
9 **DLA PIPER LLP (US)**
10 401 B Street, Suite 1700
11 San Diego, CA 92101
12 T: (619) 699-2700 | F: (619) 699-2701

13 Martin M. Ellison (SBN 292060)
14 martin.ellison@dlapiper.com
15 **DLA PIPER LLP (US)**
16 2000 Avenue of the Stars, Suite 400, N. Tower
17 Los Angeles, CA 90067
18 T: (310) 595-3000 | F: (310) 595-3300

19 Attorneys for Defendant
20 Medtronic CoreValve LLC

21 **UNITED STATES DISTRICT COURT**
22 **CENTRAL DISTRICT OF CALIFORNIA**

23 Colibri Heart Valve, LLC,
24
25 Plaintiff,

26 v.

27 Medtronic CoreValve LLC,
28
29 Defendant.

Case No. 8:20-cv-00847-DOC-JDE
Hon. David O. Carter

**MEDTRONIC COREVALVE LLC'S
NOTICE OF MOTION AND
MOTION TO STAY LITIGATION
PENDING *INTER PARTES* REVIEW**

Hearing Date: October 5, 2020
Time: 8:30 a.m. PT
Room: 9D

**NO ORAL ARGUMENT UNLESS
REQUESTED BY THE COURT**

NOTICE OF MOTION

To the Court and all parties and their respective attorneys of record:

Please take notice that at the above time and place, Defendant Medtronic CoreValve LLC (“Medtronic”) will and hereby does move for an order to stay this litigation pending the outcome of Medtronic’s petitions for *Inter Partes* Review of the patents-in-suit. Medtronic makes this Motion on the grounds that (1) a stay pending IPR could resolve the entire case, or simplify the issues in the case, because the IPR petitions address every asserted claim of both asserted patents; (2) Medtronic has yet to file an answer to Plaintiff Colibri Heart Valve, LLC’s (“Plaintiff”) First Amended Complaint (“FAC”); (3) a scheduling order has not issued; (4) discovery has not commenced; and (5) Plaintiff will not be prejudiced by a stay because it waited more than five months to serve Medtronic with a complaint and failed to move for a preliminary injunction.

This Motion is based on this Notice of Motion, the Memorandum of Points and Authorities attached hereto, the Declaration of Martin M. Ellison and accompanying exhibits filed concurrently herewith, all materials incorporated or relied upon in it, matters of which this Court may take judicial notice, and any and all other materials that the Court deems proper to consider.

Because the present Motion is best addressed without a hearing (Fed. R. Civ. P. 78 and C.D. Cal. R. 7-15), Medtronic waives oral argument on this matter unless requested by the Court.

This Motion is made following the conference of counsel pursuant to L.R. 7-3 which took place on August 28, 2020.

Dated: September 4, 2020

By: /s/ Martin M. Ellison

Martin M. Ellison (SBN 292060)
martin.ellison@dlapiper.com
DLA PIPER LLP (US)
2000 Avenue of the Stars

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Suite 400, North Tower
Los Angeles, CA 90067
T: (310) 595-3000 | F: (310) 595-3300

Mark D. Fowler (SBN 124235)
mark.fowler@dlapiper.com
DLA PIPER LLP (US)
2000 University Avenue
East Palo Alto, California 94303-2250
T: (650) 833-2000 | F: (650) 833-2001

Kathryn Riley Grasso (SBN 211187)
kathryn.riley@dlapiper.com
DLA PIPER LLP (US)
401 B Street, Suite 1700
San Diego, CA 92101
T: (619) 699-2700 | F: (619) 699-2701

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