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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
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12 MEDTRONIC MINIMED INC.;
13 MEDTRONIC PUERTO RICO
14 OPERATIONS CO.; MINIMED
15 DISTRIBUTION CORP.,

16 Plaintiffs,

17 vs.

18 ANIMAS CORPORATION,

19 Defendant.
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CASE NO. 2:12-cv-04471-RSWL-
RZx

**ORDER GRANTING JOINT
STIPULATION REGARDING
INFRINGEMENT OF CLAIMS 4
AND 9 OF U.S. PATENT NO.
6,554,798 AND FAILURE TO
MARK U.S. PATENT NO.
5,665,065**

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1 Having read the Joint Stipulation Regarding Infringement of Claims 4 and 9 of
2 U.S. Patent No. 6,554,798 and Failure to Mark U.S. Patent No. 5,665,065, and finding
3 good cause therefor, the Court now finds that the Stipulation should be GRANTED.
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5 It is, therefore, ORDERED as follows:

- 6 1) The accused Animas OneTouch Ping device infringes claims 4 and 9 of
7 U.S. Patent No. 6,554,798. Defendant Animas Corporation continues to
8 assert that claims 4 and 9 of U.S. Patent No. 6,554,798 are invalid, and
9 that pre-filing damages for infringement of claims 4 and 9 of U.S. Patent
10 No. 6,554,798 are barred by laches.
- 11 2) Based on paragraph 1 of this stipulation, Plaintiffs' Motion for Partial
12 Summary Judgment that the OneTouch Ping product infringes claims 4
13 and 9 of U.S. Patent No. 6,554,798 (Dkt. 142) is denied as moot.
- 14 3) Plaintiffs may not recover damages for infringement of claims 3 and 9 of
15 U.S. Patent No. 5,665,065 that occurred before the complaint in this
16 action was filed on May 22, 2012. Plaintiffs continue to seek damages
17 for alleged infringement of claims 3 and 9 of U.S. Patent No. 5,665,065
18 that has occurred after May 22, 2012.
- 19 4) Based on paragraph 3 of this stipulation, Defendant's Motion for Partial
20 Summary Judgment of Improper Marking Under 35 U.S.C. § 287(A)
21 (Dkt. 146) is denied as moot.

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24 DATED: 7/7/14

25 S/ RONALD S.W. LEW
26 _____
27 Honorable Ronald S.W. Lew
28 Senior U.S. District Judge