

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

ETHICON ENDO-SURGERY, INC. and)
ETHICON ENDO-SURGERY, LLC,)
)
 Plaintiffs and Counterclaim-Defendants,)
)
 v.)
)
 COVIDIEN LP, COVIDIEN SALES LLC, and)
 COVIDIEN AG,)
)
 Defendants and Counterclaim-Plaintiffs.)
)
)

Civil Action No. 1:16-cv-12556-LTS

**ORDER GRANTING PARTIAL SUMMARY JUDGMENT OF
NON-INFRINGEMENT OF U.S. PATENT NO. 8,241,284**

This matter is before the Court on the parties’ joint motion for entry of an order granting partial summary judgment of non-infringement of U.S. Patent No. 8,241,284 (the “’284 patent”). After due consideration, and being fully advised in the premises, the Court finds that the motion is well taken and should be granted. Accordingly, it is hereby **ORDERED** that partial summary judgment is granted and Ethicon’s accused Enseal X1 Large Jaw product does not infringe any asserted claims of the ’284 patent under the Court’s June 21, 2018 Memorandum and Order on Claim Construction (Dkt. No. 144), subject to the parties’ right to appeal the Court’s Claim Construction Order. Further, all of Ethicon’s claims, defenses and counterclaims asserted in this action based on or relating to the ’284 patent are **DISMISSED WITHOUT PREJUDICE**, subject to Ethicon’s right to reassert such claims and defenses should any of Covidien’s claims regarding the ’284 patent be revived for any reason (including modification of the Court’s Claim Construction Order on appeal) and/or if the ’284 patent is asserted against any other product, in accordance with all other terms and conditions set forth in the parties’ Stipulation. (Dkt. No.

174.) The Court will enter final judgment with respect to the '284 patent at an appropriate future time.

Each party to bear its own costs and fees.

IT IS SO ORDERED.

Dated: 01/14/2019

/s/ Leo T. Sorokin
Leo T. Sorokin
United States District Judge

