

**UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT**

COVIDIEN SALES LLC and	:	
COVIDIEN LP, f/k/a TYCO	:	
HEALTHCARE GROUP LP and	:	CIVIL ACTION NO.
UNITED STATES SURGICAL CORP.,	:	3:14-cv-917 (JCH)
Plaintiffs,	:	
	:	
v.	:	
	:	
ETHICON ENDO-SURGERY, INC.,	:	OCTOBER 22, 2014
Defendant.	:	

**ORDER GRANTING PLAINTIFFS'  
MOTION FOR PRELIMINARY INJUNCTION (Doc. No. 45)**

This matter having come before the court on the Motion for Preliminary Injunction (Doc. No. 45) filed by Plaintiffs COVIDIEN SALES LLP, COVIDIEN LP f/k/a TYCO HEALTHCARE GROUP LP and UNITED STATES SURGICAL CORPORATION (together "Covidien"); and the court, having carefully considered all of the papers filed in support of and in opposition to, and related to, Covidien's Motion for Preliminary Injunction, and having heard oral argument on the matter, concludes that Covidien has demonstrated that it is entitled to preliminary injunctive relief.

Accordingly, IT IS HEREBY ORDERED THAT:

(1) Covidien's Motion for Preliminary Injunction (Doc. No. 45) is

GRANTED;

(2) Until such time as the court makes a final ruling on the merits, or until is

otherwise ordered by the court, Ethicon, its respective agents, officers,

employees, successors, and all persons acting in concert with each or any of

them are hereby ENJOINED and RESTRAINED from making, using, offering

- to sell or selling the accused ACE+7 product with a curved blade, as claimed in Claim 15 of US. Patent No. 6,468,286 (the “ ’286 patent”);
- (3) Notwithstanding the foregoing, Ethicon is not enjoined or restrained from:
- (a) Making, using, offering to sell or selling a modified version of the ACE+7 product without a curved blade, such as the “straight blade” designs of Ethicon’s ultrasonic surgical products that are immune from patent infringement liability (e.g., the LCSK5 and LCSB5), pursuant to a prior settlement agreement between the parties; or
  - (b) Making, using, offering to sell or selling a version of the ACE+7 product that otherwise avoids infringement of Claim 15 of the ’286 patent;
- (4) Consumers who have already purchased and obtained the ACE+7 are not enjoined from using it;
- (5) Covidien shall post a bond in the amount of five million dollars (\$ 5,000,000) through December 31, 2014, to cover damages suffered by Ethicon in 2014 in the event that the injunction is deemed to have been wrongfully issued;
- (6) If the injunction remains in effect at the conclusion of 2014, the court will address additional security going forward;
- (7) This Order shall become effective immediately upon posting of the bond.

**SO ORDERED.**

Dated at New Haven, Connecticut, this 22nd day of October, 2014.

/s/ Janet C. Hall  
Janet C. Hall  
United States District Judge