

(AJWx), CLOSED, PROTORD

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF
CALIFORNIA (Western Division - Los Angeles)
CIVIL DOCKET FOR CASE #: 2:02-cv-04770-MRP-AJW**

Masimo Corporation v. Tyco Health Care, et al
Assigned to: Judge Mariana R. Pfaelzer
Referred to: Discovery Andrew J. Wistrich
Demand: \$0
Case in other court: 9th CCA, 07-55960
9th CCA, 07-56017
INTRATRANS, 8:02-cv-
00495
Cause: 28:1331 Fed. Question

Date Filed: 05/22/2002
Date Terminated: 06/29/2007
Jury Demand: Plaintiff
Nature of Suit: 410 Anti-Trust
Jurisdiction: Federal Question

Plaintiff

Masimo Corporation
a Delaware corporation

represented by **Amy Thomas Brantly**
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Defendant

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*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Stephen C Neal**

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Date Filed	#	Docket Text
05/22/2002	1	COMPLAINT filed Summons(es) issd referred to Discovery Arthur Nakazato (rmi) (Entered: 05/29/2002)
05/22/2002	2	Notice OF INTERESTED PARTIES filed by plaintiff Masimo Corporation (rmi) (Entered: 05/29/2002)
05/22/2002	3	NOTICE by plaintiff Masimo Corporation of related case(s) CV00-6506MRP (AJWx) (rmi) (Entered: 05/29/2002)
05/31/2002	4	PROOF OF SERVICE executed upon defendant Tyco Health Care Group L.P., a Delaware Partnership; Service by Federal on 5/23/02 via personal service by serving S/C to Vivian Imperial, Process Specialist for C T Corporation, Reg Agents (mg) (Entered: 06/04/2002)
05/31/2002	5	PROOF OF SERVICE executed upon defendant Mallinckrodt Incorporated, a Delaware Corporation; Service by Federal on 5/23/02 via personal service by serving S/C (mg) (Entered: 06/04/2002)
06/07/2002	6	RESPONSE by defendants Tyco Health Care, Mallinckrodt Incorp to plf's notice of related case [3-1] (mt) (Entered: 06/10/2002)
06/10/2002	7	STIPULATION and ORDER by Judge Alicemarie H. Stotler extending time to answer complaint [1-1] to 7/12/02 as to defendants Tyco Health Care, Mallinckrodt Incorp (mt) (Entered: 06/11/2002)
06/11/2002		NOTICE OF FILING FEE DUE On Pro Hac Vice Application mailed to attorneys John L Murchison Jr, John P DeGeeter,

		Bruce A Blefeld (mt) (Entered: 06/13/2002)
06/17/2002	8	ORDER RE TRANSFER PURSUANT TO GENERAL ORDER 224 (Related Case) filed. [Related Case no.: CV 00-6506 MRP (AJWx)] transferring case to the Western Division. Case reassigned from Judge Alicemarie H. Stotler to Judge Mariana R. Pfaelzer for all further proceedings. The case number will now reflect the initials of the transferee Judge [CV 00-4770 MRP (AJWx)] (mt) (Entered: 06/17/2002)
06/17/2002	9	NOTICE RE INTRA-DISTRICT TRANSFER filed. Case reassigned to Western Division by order filed 6/17/02. New case no. CV 02-4770 MRP (AJWx) assigned to Judge Mariana R. Pfaelzer for all further proceedings; all discovery matters are transferred to Discovery Andrew J. Wistrich. (Original file transferred.) (mt) (Entered: 06/17/2002)
07/11/2002	14	ATTORNEY SUBSTITUTION: terminating attorney John Joseph Quinn Jr for Mallinckrodt Incorp, attorney John B Quinn for Mallinckrodt Incorp, attorney John Joseph Quinn Jr for Tyco Health Care, attorney John B Quinn for Tyco Health Care by defendant Mallinckrodt Incorp, defendant Tyco Health Care and substituting attorney John Francis Young by Judge Mariana R. Pfaelzer (el) (Entered: 07/17/2002)
07/11/2002	15	ATTORNEY SUBSTITUTION: terminating John B Quinn and substituting attorney Craig N Hentschel of Arnold & Porter for dfts Tyco Healthcare Gr and Mallinckrodt Inc by Judge Mariana R. Pfaelzer (el) (Entered: 07/17/2002)
07/12/2002	10	PROOF OF SERVICE by defendant Tyco Health Care, defendant Mallinckrodt Incorp on 7/11/02 of sub of atty (pj) (Entered: 07/15/2002)
07/12/2002	11	PROOF OF SERVICE by defendant Tyco Health Care, defendant Mallinckrodt Incorp on 7/11/02 of sub of atty (pj) (Entered: 07/15/2002)
07/12/2002	12	ANSWER filed by defendant Tyco Health Care, defendant Mallinckrodt Incorp to complaint [1-1] (pj) (Entered: 07/15/2002)
07/12/2002	13	CERTIFICATION OF INTERESTED PARTIES filed by defendant Tyco Health Care, defendant Mallinckrodt Incorp (pj) (Entered: 07/15/2002)
10/17/2002	16	JOINT RULE 26 DISCOVERY PLAN filed; est length of trial 15-20 days (el) (Entered: 10/18/2002)
10/22/2002	17	STIPULATION and ORDER by Judge Mariana R. Pfaelzer that

		a mandatory status/scheduling conf is set for 10:00 11/13/02 (el) (Entered: 10/23/2002)
10/22/2002	18	APPLICATION AND ORDER of Non-Resident Attorney to Appear in a Specific Case filed for plaintiff Masimo Corporation by Stephen D Susman. Designating David C Marcus, as local counsel. Approved by Judge Mariana R. Pfaelzer . (Fee pd) (el) (Entered: 10/23/2002)
11/13/2002	19	MINUTES: The following case management dates are hereby placed on the record: mandatory status/scheduling conference held; expert discovery ddl set on 11/28/03 , Fact discovery cutoff: 10/30/03; Expert disclosure: 8/31/03; Rebuttal expert disclosure: 9/30/03; opening brief: 1/16/04; opposition brief: 2/13/04; Reply brief 2/27/04; Juror questionnaires: 3/13/04; Final Pretrial Conference set for 1:30 4/5/04; jury trial set on 11:00 4/13/04 by Judge Mariana R. Pfaelzer CR: William Stephen (el) (Entered: 11/14/2002)
11/15/2002	20	STIPULATION for entry of Protective Order and PROTECTIVE ORDER by Judge Mariana R. Pfaelzer (see doc for details) (el) (Entered: 11/15/2002)
12/20/2002	21	RECEIPT OF TRANSCRIPT of proceedings for the following date(s): 11/13/02 (Re:) CR: William Stephens (weap) (Entered: 12/23/2002)
12/20/2002		TRANSCRIPT filed for proceedings held on 11/13/02 (weap) (Entered: 12/23/2002)
04/22/2003	22	NOTICE OF DISCREPANCY AND ORDER by Judge Mariana R. Pfaelzer ordering Response to oral and videotape submitted by defendant Tyco Health Care received on 4/21/03 is not to be fld but instead rejected; Denial based on: the original and Judge's copy must be blue backed (el) (Entered: 04/24/2003)
06/16/2003	23	STIPULATION and ORDER by Judge Mariana R. Pfaelzer modifying the joint discovery plan and case management dates as follows: Last day to amend pleadings: 8/4/03; fact DCO: 12/19/03; Expert disclosure/reports: 12/01/03; Rebuttan expert disclosures: 12/23/03 discovery ddl set on 1/30/04 ; Opening brief: 3/1/04; Opposition brief: 3/29/04; Reply brief: 4/12/04; Motion hearing date: to be set; Juror questionnaires: 5/10/04 Final Pretrial Conference set for 1:30 5/17/04; jury trial set on 11:00 6/1/04 (el) (Entered: 06/18/2003)

10/06/2003	24	NOTICE OF CHANGE Of Address filed by atty Marc M Seltzer for plaintiff Masimo Corporation as follows: SUSMAN GODFREY LLP; 1901 Avenue of the Stars, Suite 950; Los Angeles CA 90067-6029; Tel: (310)789-3100; Facsimile: (310)789-3150 (el) (Entered: 10/07/2003)
11/17/2003	25	STIPULATION and ORDER by Judge Mariana R. Pfaelzer modifying the Joint discovery plan and case management dates as follows: Expert disclosure/reports: 12/15/03; Rebuttan expert disclosure: 1/16/04; Expert discovery cut-off: 2/20/04. All other discovery and case management dates shall remain as stipulated by the parties and aentered by order of the Court on 6/18/03 (see document for details) (el) (Entered: 11/18/2003)
12/09/2003	26	NOTICE OF ENTRY OF ORDER MODIFYING THE JOINT DISCOVERY PLAN AND CASE MANAGEMENT DATES by defendants Tyco Health Care, Mallinckrodt Incorp (el) (Entered: 12/12/2003)
12/16/2003	27	THIRD STIPULATION and ORDER by Judge Mariana R. Pfaelzer modifying the joint discovery plan and case management dates as follows: Fact discovery cut-off reset on 1/16/04 ; Expert disclosure/reports: 1/16/04; Rebuttal expert disclosure: 2/13/04; Expert discovery cut-off: 3/12/04; Opening brief: 3/15/04; Opposition brief: 4/12/04; Reply brief: 4/26/04. All other discovery and case management dates shall remain as stipulated and entered by order of the Court on 6/18/03. (el) (Entered: 12/18/2003)
12/23/2003	28	NOTICE OF ENTRY OF THIRD STIPULATION AND ORDER modifying the joint discovery plan and case management dates by Defendants Tyco Health Care, Mallinckrodt Incorp (el) (Entered: 12/24/2003)
01/06/2004	29	FIRST SUPPLEMENTAL INITIAL DISCLOSURE to Tyco Haalthcare Group LP and Mallinckrodt, Incorporated filed by Plaintiff Masimo Corporation (el,) (Entered: 01/10/2004)
01/20/2004	30	FOURTH STIPULATION and ORDER by Judge Mariana R. Pfaelzer modifying the joint discovery plan and case management dates 27 as follows: The parties stipulate and agree to, and jointly request the following modified discovery dates: Expert disclosure/reports: 2/05/04; Rebuttal expert disclosure: 2/20/04; All other discovery and case management dates shall remain as stipulated by the parties. The dates which remain as previously stipulated are: Last

		day to amend pleadings: 8/4/03; Fact discovery cut-off: 1/16/04 ; Expert discovery cut-off: 3/12/04; Opening brief: 3/15/04; Opposition brief: 4/12/04; Reply brief: 4/26/04. Motion hearing date: TO BE SET. Juror questionnaires: 5/10/04.(el,) (Entered: 01/21/2004)
01/29/2004	31	NOTICE OF ENTRY OF FOURTH Stipulation and Order Modifying the Joint Discovery Plan and Case Management Dates filed by Defendants Mallinckrodt Incorporated and Tyco Health Care Group L.P.. (yl,) (Entered: 02/05/2004)
02/10/2004	35	NOTICE of firm registration as an LLP and Name Change filed by defendants Mallinckrodt Incorporated, Tyco Health Care Group L.P.. (ca,) (Entered: 03/01/2004)
02/13/2004	32	FIRST AMENDMENT TO STIPULATED PROTECTED ORDER by Judge Mariana R. Pfaelzer : re Order on Motion for Protective Order 20 , should be amended and therefore stipulate as follows: (see document: pages 2-3, paragraphs 1-6); IT IS THEREFORE ORDERED, UPON CONSIDERATION OF THE STIPULATION AND AGREEMENTS CONTAINED HEREIN, THAT: 1. Subject to the terms of the preceding paragraphs, Knobbe, Martens, Olson & Bear LLP, Cooley Godward LLP and Fish & Neave are designated as persons who shall be permitted to view, inspect and copy the documents, things, testimony and pleadings in the Antitrust Case pursuant to Paragraphs 3,4 and 5 of the Stipulated Protected Order.(el,) (Entered: 02/17/2004)
02/13/2004	33	FIFTH STIPULATION and ORDER by Judge Mariana R. Pfaelzer modifying the joint discovery plan and case management dates 30 as follows: The parties stipulate and agree to, and jointly request the following modified discovery dates: Expert disclosure/reports: 2/19/04; Rebuttal expert disclosure: 3/05/04; Expert discovery cut-off: 3/26/04; Summary judgment opening brief: 3/22/04; Opposition brief: 4/19/04; Reply brief: 5/3/04. All other discovery and case management dates shall remain as stipulated by the parties. The dates which remain as previously stipulated are: Last day to amend pleadings: 8/4/03; Fact discovery cut-off: 1/16/04 ; Motion hearing date: TO BE SET. Juror questionnaires: 5/10/04; Pre-Trial Conference: 5/17/04 at 1:30 p.m.; Jury Trial: 6/1/04 at 11:00 a.m.(el,) (Entered: 02/17/2004)
02/20/2004	34	NOTICE of entry of Fifth Stipulation and Order modifying the Joint Discovery Plan and Case Management Dates filed by defendants Mallinckrodt Incorporated, Tyco Health Care

		Group L.P.. (el,) (Entered: 03/01/2004)
03/02/2004	36	REQUEST fpr Telephonic Hearing to resolve expert discovery dispute filed by Plaintiff Masimo Corporation. (el,) (Entered: 03/04/2004)
03/03/2004	37	MINUTES proceedings before Judge Mariana R. Pfaelzer : that pursuant to the Judges directive, the matter of Plaintiffs REQUEST for Telephonic Hearing to resolve expert discovery dispute filed on 3/2/04 36 , is hereby referred to Magistrate Judge Andrew J Wistrich. Court Reporter: Not Present. (el,) (Entered: 03/04/2004)
03/03/2004		REQUEST for Telephonic Hearing to resolve expert discovery dispute 36 REFERRED to Magistrate Judge Andrew J Wistrich. (el,) (Entered: 03/04/2004)
03/08/2004	38	MINUTES In Chambers on Telephonic Conference held before Judge Andrew J. Wistrich : Order by Judge Andrew J. Wistrich granting REQUEST for Hearing 36 . See document for further details. Tape #: n/a. (yb,) (Entered: 03/09/2004)
03/09/2004	39	DECLARATION of Kevin L Hunt in support of request for hearing to compel production of experts computer files and programs 36 filed by Plaintiff Masimo Corporation. (el,) (Entered: 03/12/2004)
03/11/2004	41	Order by Judge Andrew J. Wistrich granting REQUEST for Hearing 36 ; that Defendants produce within 14 days the computer programs and electronic files that were used by their experts, Professor Robert D. Willig and Professor Janusz A Ordover, to arrive at the conclusions stated in their expert reports. Defendants need only produce what they use, not annotate it, etc. The Court expects counsel to be generous in allowing opposing experts additional time to complete their work, if necessary without (of course) interfering with the overall case schedule previously established by the trial judge.(el,) (Entered: 03/12/2004)
03/15/2004	42	NOTICE of ENTRY OF ORDER COMPELLING defendants to produce experts computer files and programs filed by Plaintiff Masimo Corporation. (el,) (Entered: 03/18/2004)
03/22/2004	47	PROOF OF SERVICE filed by Defendants Mallinckrodt Incorporated, Tyco Health Care Group L.P.. re 43 MOTION for Summary Judgment, and accompanying papers was served on 3/22/04 upon Vineet Bhatia by mail. (el,) (Entered: 03/31/2004)

04/08/2004	48	MINUTES (IN CHAMBERS): Telephone Conference held in chambers and off the record. The Court grants the request to continue hearing on the defendant's 43 MOTION for Summary Judgment., before Judge Mariana R. Pfaelzer to 5/17/2004 at 10:00 AM before Honorable Mariana R. Pfaelzer. Briefing will be completed by May 3, 2004. The parties estimate the trial will be three weeks. The Court may consider continuing the trial one week only. Counsel will confer with their clients about a possible settlement conference with a district judge. Court Reporter: Not recorded. (yl,) (Entered: 04/08/2004)
04/12/2004	49	STIPULATION AND ORDER EXTENDING CERTAIN PRETRIAL DEADLINES by Judge Mariana R. Pfaelzer : The parties will attend the Meeting of Counsel Before Final Pretrial Conference on April 26, 2004; The parties will waive the filing and serving of Memoranda of Contentions of Fact and law; The parties will file and serve their witness lists on May 6, 2004; The parties will file a single exhibit list on May 6, 2004; The parties will disclose additions or other changes to expert testimony on May 6, 2004; The parties will waive the filing and serving of trial briefs; The dates which remain as previously stipulated are: Motion hearing date: To be set; Juror questionnaires 5/10/04; Pretrial Conference set for 5/17/2004 01:30 PM before Honorable Mariana R. Pfaelzer and Jury Trial 6/1/04.(shb,) (Entered: 04/13/2004)
04/12/2004	50	STIPULATION AND ORDER RESCHEDULING HEARING ON DEFENDANTS MOTION FOR SUMMARY JUDGMENT 43 by Judge Mariana R. Pfaelzer : 43 Re-Set/Reset Deadlines as to MOTION for Summary Judgment., Motion Reset for hearing on 5/17/2004 at 09:00 AM before Honorable Mariana R. Pfaelzer.(shb,) (Entered: 04/13/2004)
04/14/2004	51	STIPULATION AND ORDER Regarding length of summary judgment memoranda by Judge Mariana R. Pfaelzer :Massimo's memorandum of points and authorities in opposition to Tyco's motion for summary judgment may exceed the 25 page limit set forth in Local Rule 11-6 by up to ten (10) additional pages; Tyco's reply memorandum in support of its motion for summary judgment also may exceed the 25 page limit set forth in Local Rule 11-6 by up to ten (10) additional pages.(shb,) (Entered: 04/15/2004)
04/16/2004	52	NOTICE OF ENTRY OF JOINT STIPULATION AND ORDER RESCHEDULING HEARING on Defendants Motion for Summary Judgment filed by Defendants Mallinckrodt

		Incorporated, Tyco Health Care Group L.P.. (el,) (Entered: 04/22/2004)
04/20/2004	71	PROOF OF SERVICE filed by Plaintiff Masimo Corporation of Plaintiffs response to defendnats Separate Statement fo Uncontroverted Facts in opposition to Motion for summary judgment; Declaration of Stephen E Morrissey in opposition (volumes I-VII); Notice of filing unsigned declaration of Frederick A Robertson MD and other documents, was served on 4/19/2004i upon (see service list) by personal service. (el,) (Entered: 04/23/2004)
04/20/2004	72	PROOF OF SERVICE filed by Plaintiff Masimo Corporation of Declarations of Joe E Kiani; Bradley R Langdale in opposition to Motion for summary judgment; Memorandum of Points and Authorities in opposition to Motion for Summary Judgment and other documents (see document for more details), was served on 4/19/2004i upon (see service list) by personal srvice and by Federal Express. (el,) (Entered: 04/23/2004)
04/22/2004	79	PROOF OF SERVICE filed by Defendants Mallinckrodt Incorporated, Tyco Health Care Group L.P.. re 73 MOTION to Exclude the Reports and Testimony of Patti King, 74 Sealed Document, 75 Sealed Document, 76 MOTION to Exclude the Reports and Testimony of Einer Elhauge, 77 Sealed Document, 78 Sealed Document, was served on 4/22/04, served upon Vineet Bhatia and Amy Brantly by hand delivery (el,) (Entered: 04/30/2004)
04/30/2004	80	NOTICE OF LODGING OF DEPOSITION TRANSCRIPTS in support of Plaintiffs Opposition to Defendants MOTION for Summary Judgment 43 filed by Plaintiff Masimo Corporation.Lodged 18 Depositions (el,) (Entered: 05/07/2004)
05/03/2004	87	PROOF OF SERVICE filed by Defendants Mallinckrodt Incorporated, Tyco Health Care Group L.P. re Reply in support of Defendants motion for summary judgment; reply to Masimos response re undisputed facts and objections to the Sealed declarations of Kiani, Langdale, Mosher and Robertson 54 , 61 , 62 , 60 , was served on 5/3/04 upon Marc M Seltzer Esq and Amy T Brantly Esq by messenger and on Vineet Bhatia Esq by mail. (el,) (Entered: 05/10/2004)
05/06/2004	98	Witness List filed by Defendant Tyco Health Care Group L.P. (el,) (Entered: 05/13/2004)

05/07/2004	81	STIPULATION AND ORDER by Judge Mariana R. Pfaelzer : Regarding Briefing and Argument on Motions in Limine, that Motions in limine shall be filed and served on 5/7/04; opposition shall be filed and served on 5/11/04; reply shall be filed on 5/13/04. The parties reserve the right to timely file any additional motions in limine that may be necessary. (el,) (Entered: 05/10/2004)
05/07/2004	82	CONSOLIDATED NOTICE OF MOTION AND MOTION IN LIMINE prior to VOIR DIRE examination of the jury requiring Defendants Tyco Healthcare Group and Mallinckrodt Inc, Tyco's counsel and witnesses to desist and refrain from bringing before the jury any matters referred to hereunder (see document for details) filed by Plaintiff Masimo Corporation. Motion set for hearing on 5/17/2004 at 09:00 AM before Honorable Mariana R. Pfaelzer. (el,) (Entered: 05/10/2004)
05/07/2004	83	MEMORANDUM OF POINTS AND AUTHORITIES in Support of its CONSOLIDATED MOTIONS IN LIMINE 82 filed by Plaintiff Masimo Corporation. (el,) (Entered: 05/10/2004)
05/07/2004	84	JOINT TRIAL Exhibit List by Mallinckrodt Incorporated, Masimo Corporation. (el,) (Entered: 05/10/2004)
05/07/2004	85	Witness List filed by Plaintiff Masimo Corporation. (el,) (Entered: 05/10/2004)
05/07/2004	86	STIPULATION AND ORDER by Judge Mariana R Pfaelzer, Extending certain pretrial deadlines: The parties shall file and serve objections to exhibits on or before 5/10/04; parties shall disclose which witnesses they plan to present live at trial on 5/7/04; parties shall mark depositions of any witnesses by way of deposition testimony on 5/14/04 and shall lodge such depositions with the Clerk as required by Local Rule 32-1. The parties shall serve and file counter-designations and objections on 5/21/04. The parties will exchange graphic and illustrative material before they are presented at trial, moved from 5/17/04; the parties shall file a joint juror questionnaire on 5/12/04. All other deadlines set forth shall govern and remain as stipulated. (el,) (Entered: 05/10/2004)
05/07/2004	117	PROOF OF SERVICE filed by defendants Mallinckrodt Incorporated, Tyco Health Care Group L.P. regarding Notice of Motion and Motion to Exclude Any Reference to the Alleged Criminal Fraud of Former Tyco Executive; Memorandum of Points and Authorities; Declaration of Neal J

		Stephens were served on 5/7/04. See documents for further details. (nhac,) (Entered: 06/02/2004)
05/07/2004	129	NOTICE OF MOTION AND MOTION to Exclude any Reference to the Alleged Criminal Fraud of Former Tyco Executives filed by Defendants Mallinckrodt Incorporated, Tyco Health Care Group L.P. Motion set for hearing on 6/1/2004 at 09:00 AM before Honorable Mariana R. Pfaelzer. (el,) (Entered: 06/04/2004)
05/07/2004	130	MEMORANDUM OF POINTS AND AUTHORITIES in Support of MOTION to Exclude any Reference to the Alleged Criminal Fraud of Former Tyco Executives 129 filed by Defendants Mallinckrodt Incorporated, Tyco Health Care Group L.P.. (el,) (Entered: 06/04/2004)
05/07/2004	131	DECLARATION of Neal J Stephens in support of MOTION to Exclude any Reference to the Alleged Criminal Fraud of Former Tyco Executives 129 filed by Defendants Mallinckrodt Incorporated, Tyco Health Care Group L.P.. (el,) (Entered: 06/04/2004)
05/10/2004	97	OBJECTIONS to JOINT TRIAL Exhibit List 84 filed by Defendants Mallinckrodt Incorporated, Tyco Health Care Group L.P. (el,) (Entered: 05/12/2004)
05/10/2004	99	OBJECTIONS TO Defendants EXHIBITS re MOTION for Summary Judgment 43 filed by Plaintiff Masimo Corporation. (el,) (Entered: 05/14/2004)
05/10/2004	100	PROOF OF SERVICE filed by Defendants Mallinckrodt Incorporated, Tyco Health Care Group L.P.. re 95 Sealed Document, 96 Sealed Document, was served on 5/10/04 upon Vineet Bhatia Esq and Stephen Morrissey Esq by facsimile and electronic mail. (el,) (Entered: 05/14/2004)
05/11/2004	88	PROCEEDINGS: In Chambers Conference before Judge Mariana R. Pfaelzer : The motions: 82 MOTION IN LIMINE Consolidated to Exclude desist and refrain, 73 , MOTION to Exclude the Reports and Testimony of Patti King, 76 MOTION to Exclude the Reports and Testimony of Einer Elhauge, scheduled on 5/17/2004 will be heard at 10:00 a.m. Court Reporter: Not recorded. (el,) (Entered: 05/11/2004)
05/11/2004	101	OPPOSITION to Plaintiffs CONSOLIDATED MOTION IN LIMINE to Exclude desist and refrain re PATENT CASE 82 filed by Defendant Tyco Health Care Group L.P.. (el,) (Entered: 05/14/2004)

05/11/2004	102	OPPOSITION to Plaintiffs CONSOLIDATED MOTION IN LIMINE to Exclude desist and refrain regarding Payment of Administrative Fees and the Voluntary Nature of the Challenged Agreements (Topics 4 and 6) 82 filed by Defendant Tyco Health Care Group L.P.. (el,) (Entered: 05/14/2004)
05/11/2004	103	RESPONSE to Tycos OBJECTIONS to the declarations of Kiani, Langdale, Mosher and Robertson re CONSOLIDATED MOTION IN LIMINE to Exclude desist and refrain 82 filed by Plaintiff Masimo Corporation. (el,) (Entered: 05/14/2004)
05/11/2004	104	RESPONSE to Defendants CONSOLIDATED MOTION IN LIMINE to Exclude desist and refrain re reference to the alleged criminal fraud of former Tyco Executives 82 filed by Plaintiff Masimo Corporation. (el,) (Entered: 05/14/2004)
05/13/2004	105	PROCEEDINGS: In Chambers. Notice of motion hearing continuation: 1. Defendants Motion for Summary Judgment (under Seal)(3/22/04); 2. Defendants Motion to Exclude the reports and testimony of Patti King; of Einer Elhauge, (4/22/04) 3. Masimo Corporations Consolidated Motion in Limine (filed 5/7/04) continued for hearing on 5/24/2004 at 10:00 AM before Honorable Mariana R. Pfaelzer; and Pretrial Conference continued for hearing on 5/24/2004 01:30 AM before Honorable Mariana R. Pfaelzer. Court Reporter: Not recorded. (el,) (Entered: 05/14/2004)
05/13/2004		Continued hearing as to 82 MOTION IN LIMINE Consolidated to Exclude desist and refrain, 76 MOTION to Exclude the Reports and Testimony of Einer Elhauge, 73 MOTION to Exclude the Reports and Testimony of Patti King, 43 MOTION for Summary Judgment pursuant to Minute Order 105 . (el,) (Entered: 05/14/2004)
05/13/2004		Pretrial Conference continued to 5/24/2004 01:30 PM before Honorable Mariana R. Pfaelzer. (el,) (Entered: 05/14/2004)
05/13/2004	109	AMENDED JOINT PROPOSED JURY QUESTIONNAIRE AND VOIR DIRE QUESTIONS filed by Mallinckrodt Incorporated, Masimo Corporation. (el,) (Entered: 05/21/2004)
05/13/2004	112	REPLY MEMORANDUM in Support of its MOTIONS IN LIMINE regarding Administrative fees and the purportedly voluntary nature of the challenged agreements (Topics 4 and 6) 82 filed by Plaintiff Masimo Corporation. (el,) (Entered: 05/24/2004)
05/13/2004	113	REPLY to Tycos Opposition to plaintiffs MOTION IN LIMINE re

		PATENT CASE 82 filed by Plaintiff Masimo Corporation. (el,) (Entered: 05/24/2004)
05/13/2004	114	REPLY in support of MOTION to Exclude any reference to the Nellcor Patent Case, filed by Defendants Mallinckrodt Incorporated, Tyco Health Care Group L.P. (el,) (Entered: 05/24/2004)
05/13/2004	115	REPLY in support of Defendants Objections to the Declarations of Kiani, Langdale, Mosher and Robertson filed by Defendants Mallinckrodt Incorporated, Tyco Health Care Group L.P.. (el,) (Entered: 05/24/2004)
05/17/2004	110	PROPOSED SUBSTANTIVE JURY INSTRUCTIONS filed by Defendants Mallinckrodt Incorporated, Tyco Health Care Group L.P. (el,) (Entered: 05/21/2004)
05/17/2004	111	PROPOSED GENERAL JURY INSTRUCTIONS filed by Defendants Mallinckrodt Incorporated, Tyco Health Care Group L.P. (el,) (Entered: 05/21/2004)
05/26/2004	121	NOTICE OF DOCUMENT DISCREPANCIES AND ORDER by Judge Mariana R. Pfaelzer ORDERING Motion to Exclude any reference to the Nellcor Patent Case submitted by Defendants Mallinckrodt Incorporated, Tyco Health Care Group L.P. received on 5/7/04 to be filed and processed; filed date to be the date the document was stamped Received but not Filed with the Clerk. (el,) (Entered: 06/04/2004)
05/26/2004	125	NOTICE OF DOCUMENT DISCREPANCIES AND ORDER by Judge Mariana R. Pfaelzer ORDERING Motion to Exclude Expert Report submitted by Defendants Mallinckrodt Incorporated, Tyco Health Care Group L.P. received on 5/7/04 to be filed and processed; filed date to be the date the document was stamped Received but not Filed with the Clerk. (el,) (Entered: 06/04/2004)
05/26/2004		PLACED IN FILE - NOT USED re NOTICE OF DOCUMENT DISCREPANCIES re Joint Proposed Jury Questionnaire (el,) (Entered: 06/04/2004)
05/26/2004		PLACED IN FILE - NOT USED re JOINT PROPOSED JURY QUESTIONNAIRE AND VOIR DIRE QUESTIONS (el,) (Entered: 06/04/2004)
05/26/2004		PLACED IN FILE - NOT USED re STIPULATION AND ORDER CONTINUING THE MOTION AND PRE-TRIAL CONFERENCE DATE submitted by Plaintiff Masimo Corporation. (el,)

		(Entered: 06/04/2004)
05/26/2004	133	NOTICE OF DOCUMENT DISCREPANCIES AND ORDER by Judge Mariana R. Pfaelzer ORDERING Notice of Motion submitted; received on 5/7/04 to be filed and processed; filed date to be the date the document was stamped Received but not Filed with the Clerk.(el,) (Entered: 06/07/2004)
05/28/2004	118	MEMORANDUM OF DECISION re Motions in Limine by Judge Mariana R. Pfaelzer : In light of the Courts consideration of the parties submissions and based upon the forgoing analysis, Masimos consolidated motion in limine is DENIED IN PART and GRANTED IN PART (reference to any other lawsuit involving any party other than this lawsuit will be excluded), Tycos Motion to exclude Reference to the Patent case is GRANTED, Tycos Motion to Exclude Report and Testimony of Einer Elhauge is DENIED, Tyco's Motion to Exclude Reports and Testimony of Patti King is DENIED, and Tyco's Motion to Exclude Report and Testimony of Dr Barker is DENIED. (el,) (Entered: 06/03/2004)
06/02/2004	134	MINUTES OF Proceeding (In Chambers) Telephone Conference held before Judge Wm. Matthew Byrne : Court and counsel discuss the status of the case and schedule a further Conference Call for Thursday, 6/3/2004 05:00 PM before Honorable Wm. Matthew Byrne. Court Reporter: Not Present. (bg,) (Entered: 06/08/2004)
06/03/2004	139	MINUTES OF In Chambers Conference held before Judge Wm. Matthew Byrne : In chambers and off the recrod, a conference call is held. Court and counsel discuss the status of the case and schedule a further Conference call for Friday, 6/4/2004 10:30 AM before Honorable Wm. Matthew Byrne. As the court will initiate the conference call, please notify the court clerk at (213)894-3537 should you not be available at the telephone number listed or if someone else from your office is handling this matter. Court Reporter: not present. (rl,) (Entered: 06/09/2004)
06/04/2004	137	MINUTES OF In Chambers Conference held before Judge Wm. Matthew Byrne : Per oral stipulation of counsel and with approval from Judge Pfaelzer, this case is now before the Honorable Judge Byrne for settlement proceedings. The Court has set this matter for a Settlement Conference for 6/7/2004 01:00 PM before Honorable Wm. Matthew Byrne. The court instructs counsel to submit a confidential letter regarding outstanding issues, due by Monday, June 7 at

		10:00 am. Court Reporter: not present. (rl,) (Entered: 06/09/2004)
06/07/2004	132	STIPULATION AND ORDER by Judge Mariana R. Pfaelzer : Extending deadline relating to counter-designations and objections to the deposition designations to 5/28/2004.(el,) (Entered: 06/07/2004)
06/07/2004	135	Substitution of Attorney filed. Substituting attorney Craig N Hentschel for Defendants Mallinckrodt Incorporated and Tyco Health Care Group L.P. in place and stead of Arnold and Porter by Judge Mariana R. Pfaelzer. (rl,) (Entered: 06/08/2004)
06/07/2004	136	MINUTES held before Judge Mariana R. Pfaelzer : On or before Friday, 6/11/04 the parties shall submit memoranda no longer than three pages discussing whether Federal Rules of Evidence Rule 803(3) provides an exception to the hearsay rules for statements by a customer regarding its reasons for refusing to deal with a supplier or dealer. (cc: all counsel) Court Reporter: not applicable. (rl,) (Entered: 06/09/2004)
06/07/2004	138	JURY QUESTIONNAIRE by Judge Mariana R. Pfaelzer: The Court has reviewed the parties' joint proposed questionnaire, and has amended it as attached. The Court grants Tyco's objections to questions 27, 28, 30, 31, 35, 36, 41, 44, 47, 48 and 52. The Court has also removed part of question 14, and questions 16, 18, 19(c), 20-23, 25, 29, 34, 38-39, 42 and 46 because they are unlikely to yield helpful information (cc: all counsel)(rl,) (Entered: 06/09/2004)
06/07/2004	141	PROCEEDING: (IN CHAMBERS) Settlement Conference held before Judge Wm. Matthew Byrne : Court and counsel discuss the status of the case, Court schedules a Conference Call for 6/8/2004 12:15 PM before Honorable Wm. Matthew Byrne. As the court will initiate the conference call, please notify the Court Clerk at (213)894-3537 should you not be available at the telephone number listed or if someone else from your office is handling this matter. Court Reporter: Not Present. (el,) (Entered: 06/10/2004)
06/07/2004	142	PROPOSED JURY INSTRUCTIONS filed by Plaintiff Masimo Corporation. (el,) (Entered: 06/10/2004)
06/07/2004	143	PROPOSED SUBSTANTIVE JURY INSTRUCTIONS AND SPECIAL VERDICT FORM filed by Plaintiff Masimo Corporation. (el,) (Entered: 06/10/2004)

06/08/2004	140	MINUTES before Judge Mariana R. Pfaelzer: PROCEEDINGS: NOTICE OF SCHEDULING PRETRIAL CONFERENCE (IN CHAMBERS). The Pretrial Conference scheduled for hearing on Thursday, June 10, 2004 11:00 AM. Court Reporter: Not Recorded. (jp,) (Entered: 06/09/2004)
06/08/2004	144	PROPOSED VERDICT FORM filed by Defendants Mallinckrodt Incorporated, Tyco Health Care Group L.P. (el,) (Entered: 06/10/2004)
06/08/2004	148	PROCEEDING: (IN CHAMBERS) CONFERENCE CALL - In chambers and off hte record, the conference call is held. Court and counsel discuss the status of the case and schedule a further conference call for 6/9/2004 at 9:30 a.m. Court Reporter: Not present. (el,) (Entered: 06/17/2004)
06/09/2004	145	MEMORANDUM RE INADMISSIBILITY OF CUSTOMER STATEMENT HEARSAY (Fre 803(3)) filed by Defendants Mallinckrodt Incorporated, Tyco Health Care Group L.P. (el,) (Entered: 06/10/2004)
06/09/2004	149	PROCEEDINGS: (IN CHAMBERS) and off the record, the Telephone Conference is held before Judge Wm. Matthew Byrne : Court and counsel discuss the status of the case and schedule a further Telephone Conference set for 6/23/2004 01:00 PM before Honorable Wm. Matthew Byrne. Per approval of the Honorable Judge Pfaelzer, the court continues the trial to a date to be scheduled by Judge Pfaelzer (see document for further details); Court Reporter: Not Present. (el,) Modified on 7/17/2007 (lc,). (Entered: 06/21/2004)
06/10/2004	146	MEMORANDUM OF DECISION AND ORDER by Judge Mariana R. Pfaelzer, regarding Defendants MOTION for Summary Judgment 43 : This Court DENIES Defendant Tycos Motion for Summary Judgment with respect to Plaintiff Masimos Section 2 Sherman Act claims regarding Tycos (1) loyalty discounts in compliance-based agreements, (2) sole-source agreements, (3) bundled rebates, (4) equipment financing programs, and (5) co-marketing agreements. This Court GRANTS Defendant Tycos Motion for Summary Judgment with respect to Plaintiff Masimos remaining Section 2 Sherman Act claims, including patent infringement and product disparagement. This Court DENIES Defendant Tycos Motion for Summary Judgment with respect to Plaintiffs Masimos Section 3 Clayton Act Claims and Section 1 Sherman Act Claims. This Court also OVERRULES Tycos objections to the declarations of Joe E Kiani, Kevin Mosher,

		Bradley R Langdale and Dr Frederick A Robertson. (el,) (Entered: 06/15/2004)
06/14/2004	147	MEMORANDUM REGARDING THE ADMISSIBILITY OF CUSTOMER STATEMENTS To Show State of Mind and explain parties conduct filed by Plaintiff Masimo Corporation re: Statement 145 . (el,) (Entered: 06/15/2004)
06/23/2004	150	PROCEEDINGS: Telephone Conference Call (IN CHAMBERS) On the Courts own motion, in chambers and off the record, a conference call is held. A further Telephone Conference is scheduled for 6/29/2004 09:00 AM before Honorable Wm. Matthew Byrne, Jr. Court Reporter: Not Present. (el,) Modified on 7/13/2004 (el,). (Entered: 06/24/2004)
07/29/2004	152	MINUTES OF Telephone Conference held. In chambers off record. Mr. Seltzer is instructed to contact the court when parties have agreed upon mediation arrangements by Judge Wm. Matthew Byrne Court Reporter: Not Present. (pj,) (Entered: 08/06/2004)
08/04/2004	151	STIPULATION AND ORDER scheduling pre trial conference and trial by Judge Mariana R. Pfaelzer : Final Pretrial Conference set for 8/18/2004 10:00 AM. Jury Trial set for 9/7/2004 10:00.(pj,) (Entered: 08/05/2004)
08/16/2004	153	PROCEEDINGS: Telephone Conference (IN CHAMBERS) on the record. The Court directs counsel to be prepared to discuss at the pretrial conference the following: (see document for specifics). The Court may consider a short trial continuance.Court Reporter: Margaret Babykin. (el,) (Entered: 08/17/2004)
08/18/2004	154	PROCEEDINGS: Pretrial Conference held. The Court takes under advisement any trial continuance. A Telephone Conference is scheduled for 8/19/2004 11:00 AM before Honorable Mariana R. Pfaelzer.Court Reporter: David Salyer. (el,) (Entered: 08/19/2004)
08/19/2004	155	PROCEEDINGS: IN CHAMBERS - The court continued the Telephone Conference to 8/20/2004 11:00 AM before Honorable Mariana R. Pfaelzer. The parties are directed to confer on dates for pretrial conference and trial, and revise the number of days for the trial. Parties may file one set of motions from each side, if necessary.Court Reporter: None Present. (el,) (Entered: 08/20/2004)
08/20/2004	156	PROCEEDINGS: Telephone Conference. The Court grants the parties request to continue the jury trial to 2/22/05 at 10:00

		am and the Final Pretrial Conference to 2/11/2005 10:00 AM before Honorable Mariana R. Pfaelzer. Cross motions for summary judgment will be filed on 9/20/04, oppositions by 10/18/04, replies by 10/25/04. The emotion hearing is 11/5/04 at 10:00 a.m. Any motion in limine will be filed after the rulings on the motions for summary judgment. A revised juror questionnaire is due at the end of September. The Jury Trial is estimated to last four weeks, two weeks per side. Counsel will submit a proposed scheduling order. Court Reporter: Bill Stevens. (el,) (Entered: 08/20/2004)
08/20/2004	157	RECEIPT OF REPORTERS TRANSCRIPT of proceedings for the following dates: 8/18/04 Court Reporter: David Salyer. (ghap,) (Entered: 08/25/2004)
08/20/2004		TRANSCRIPT filed for proceedings held on 8/18/04. Court Reporter: David Salyer. (ghap,) (Entered: 08/25/2004)
08/30/2004	158	STIPULATION AND ORDER REGARDING PRETRIAL AND TRIAL DATES by Judge Mariana R. Pfaelzer : Final Pretrial Conference set for 2/11/2005 10:00 AM. Jury Trial set for 2/22/2005 10:00 AM (pj,) (Entered: 08/31/2004)
09/16/2004	159	Mail Returned addressed to John P DeGeeter re 158 Stipulation and Order, Set Deadlines/Hearings (pj,) (Entered: 09/17/2004)
09/20/2004	160	NOTICE OF MOTION AND MOTION for Summary Judgment filed by Defendants Mallinckrodt Incorporated, Tyco Health Care Group L.P.. Motion set for hearing on 11/5/2004 at 10:00 AM before Honorable Mariana R. Pfaelzer. Lodged Separate Statement and Proposed Order. (mch,) (Entered: 09/24/2004)
09/20/2004	161	EXCERPTS OF TRIAL RECORD filed by Defendants Mallinckrodt Incorporated, Tyco Health Care Group L.P. (mch,) (Entered: 09/24/2004)
09/27/2004	162	STIPULATION AND ORDER by Judge Mariana R. Pfaelzer : re MOTION for Summary Judgment 160 hearing date. That the hearing date for Motion for Summary Judgment is modified to 11/16/2004 at 10:00 AM before Honorable Mariana R. Pfaelzer. (el,) (Entered: 09/28/2004)
09/27/2004	192	NOTICE of Appearance filed by attorney David W Kesselman, Donald R Pepperman, Maxwell M Blecher on behalf of Plaintiff Masimo Corporation (el,) (Entered: 12/10/2004)
09/30/2004	163	ADDITIONAL PROPOSED QUESTIONS for jury questionnaire

		and objections to defendants submission of additional questions for jury questionnaire re media publicity filed by plaintiff Masimo Corporation (lc,) (Entered: 10/01/2004)
09/30/2004	164	PROPOSED QUESTIONS FOR JURY QUESTIONNAIRE RE MEDIA PUBLICITY filed by defendants Mallinckrodt Incorporated, Tyco Health Care Group L.P.(lc,) (Entered: 10/01/2004)
09/30/2004	165	SUBMISSION OF ADDITIONAL PROPOSED QUESTIONS for jury questionnaire and objections to defendants submission of additional questions for jury questionnaire re media publicity (with exhibits attached) filed by plaintiff Masimo Corporation.. (lc,) (Entered: 10/01/2004)
10/13/2004	166	STIPULATION AND ORDER that the opposition to the motion for summary judgment is to be filed and served on: 10/29/04. Reply to the motion to be filed and served on: 11/9/04 by Judge Mariana R. Pfaelzer (bp,) (Entered: 10/15/2004)
10/25/2004	167	MINUTES: Telephone Conference-jury questionnaires. Held telephone conference. Court and counsel discuss the revised jury questionnaires submitted in September. The parties will submit a stipulation on revisions as stated on the record. The jurors will be screened for time. Judge Mariana R. Pfaelzer :Court Reporter: Margaret Babykin. (bp,) (Entered: 10/26/2004)
10/29/2004	168	JOINT STIPULATION AND ORDER by Judge Mariana R. Pfaelzer: Masimo memorandum of Points and Authorities in opposition to Tyco motion for summary judgment may exceed 25 page limit set forth in Local Rule 11-6 by up to five (5) additional pages. Tyco reply memorandum in support of its motion for summary judgment also may exceed the 25 page limite set forth in Local Rule 11-6 by up to five (5) additional pages. (ir,) (Entered: 10/29/2004)
10/29/2004	179	PROOF OF SERVICE filed by plaintiff Masimo Corporation. re 177 Statement, 172 Declaration 178 ,Response 173 Declaration 174 Declaration 175 Declaration 170 Memorandum in opposition 176 Declaration 171 was served on (see service list by personal service and electronic mail 10/29/04. (bg,) (Entered: 11/05/2004)
11/01/2004	169	NOTICE OF LODGING OF DEPOSITION TRANSCRIPTS in support of plaintiff's opposition to MOTION for Summary Judgment 160 filed by plaintiff Masimo Corporation. (bp,)

		(Entered: 11/02/2004)
11/12/2004	184	NOTICE of joint proposal regarding jury selection procedures filed by plaintiff Masimo Corporation. (bp,) (Entered: 11/15/2004)
11/12/2004	185	JOINT SUBMISSION OF ADDITIONAL QUESTIONS FOR JURY QUESTIONNAIRE re Media Publicity filed by defendants Tyco Health Care Group L.P... (bp,) (Entered: 11/16/2004)
11/15/2004	186	NOTICE: Plaintiff's proposed additional agenda items for hearing on November 16, 2004 or subsequent status conference filed by plaintiff Masimo Corporation. (bp,) (Entered: 11/17/2004)
11/16/2004	187	MINUTES: Defendant's motion for summary judgment. The court takes the defendants' motion for summary judgment under advisement. A telephone conference is scheduled for Nov.19, 2004 at 2:30 p.m. Judge Mariana R. Pfaelzer.Court Reporter: Pat Cuneo. (bp,) (Entered: 11/17/2004)
11/19/2004	188	MINUTES: Conference Call. In Chambers, on the record, the conference call is held. Court and counsel discuss the status of the case and schedule the following: Motion in limine to be filed by: 1/21/05. Oppositions due: 1/28/05. Replies due: 2/4/05. Will be heard at time of pretrial: 2/11/05. Court will issue both a ruling and a memorandu, which will explain the ruling and direct counsel. Judge Mariana R. Pfaelzer.Court Reporter: Nancy Smith-Wells. (bp,) (Entered: 11/22/2004)
11/22/2004	189	ORDER: The motion for summary judgment is DENIED. A memorandum of deicson will follow explaining the court's ruling and its effect on the trial now scheduled by Judge Mariana R. Pfaelzer : 160 (bp,) (Entered: 11/22/2004)
11/23/2004	190	RECEIPT OF REPORTERS TRANSCRIPT of proceedings for the following dates: 11/16/04 Court Reporter: Pat Cuneo. (cbr,) (Entered: 11/30/2004)
11/23/2004	191	TRANSCRIPT filed for proceedings held on 11/16/04. Court Reporter: Pat Cuneo. (cbr,) (Entered: 11/30/2004)
12/08/2004		FAX number for Attorney Stephen E Morrissey is 310-389-3005. (bp,) (Entered: 12/08/2004)
12/09/2004	195	SECOND SUPPLEMENTAL INITIAL DISCLOSURE filed by Plaintiff Masimo Corporation (bp,) (Entered: 12/10/2004)
12/13/2004		FAX number for Attorney James J Donato is 415-951-3699. (bp,) (Entered: 12/13/2004)

12/17/2004	196	MEMORANDUM OF DECISION RE: Defendant MOTION for Summary Judgment 43 ; IT IS ORDERED by Judge Mariana R. Pfaelzer that the Court DENIES Tyco Motion for Summary Judgment. The Court, however, notes that it is unwilling to permit Masimo to proceed as if its prior statements had never been made. It will permit Masimo to put on its case -- a case predicated ont he existence of one market which includes both conventional and motion-tolerant products. However, Tyco will also be permitted to put on its case and to use Masimo prior testimony subject to appropriate rulings by the Court. (jp,) (Entered: 12/20/2004)
01/21/2005	197	NOTICE of setting of hearing for pending motion in limine regarding inadmissibility of customer statements filed by defendants Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 01/25/2005)
01/21/2005	198	NOTICE OF MOTION AND MOTION for an Order to treat the testimony of Masimo Corporation's witness list in Mallinckrodt filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated. Motion set for hearing on 2/11/2005 at 10:00 AM before Honorable Mariana R. Pfaelzer. (bp,) (Entered: 01/25/2005)
01/21/2005	199	MEMORANDUM of Points and Authorities in Support of MOTION for Order 198 filed by defendants Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 01/25/2005)
01/21/2005	200	DECLARATION of Craig A. Huckelbridge in support of MOTION for Order 198 filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 01/25/2005)
01/21/2005	201	PROOF OF SERVICE filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated. re MOTION for Order 198 , Memorandum in Support of Motion 199 , Declaration (Motion related) 200 , was served on 1/21/05. (bp,) (Entered: 01/25/2005)
01/24/2005		PLACED IN FILE - NOT USED re motion submitted by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 01/25/2005)
01/28/2005	202	OBJECTION to defendants' notice of an additional hearing regarding the admissibility of customer statements filed by Plaintiff Masimo Corporation. (bp,) (Entered: 01/31/2005)
01/28/2005	203	RESPONSE to MOTION for Order 198 filed by plaintiff Masimo

		Corporation. (bp,) (Entered: 01/31/2005)
02/04/2005	204	JOINT JUROR QUESTIONNAIRE filed by defendant Tyco Health Care Group L.P... (bp,) (Entered: 02/04/2005)
02/04/2005	205	REPLY in support of motion re Masimo testimony from the prior patent litigation filed by Defendants Tyco Health Care Group L.P., Mallinckrodt Incorporated (bp,) (Entered: 02/08/2005)
02/04/2005	206	REPLY in support of notice of hearing for pending motion in limine regarding the inadmissibility of customer statements filed by Defendants Tyco Health Care Group L.P., Mallinckrodt Incorporated (bp,) (Entered: 02/08/2005)
02/04/2005		FAX number for Attorney Stephen C Neal is 415-951-3699. (bp,) (Entered: 02/15/2005)
02/07/2005	207	NOTICE of Amended joint proposal regarding jury selection procedures filed by plaintiff Masimo Corporation. (bp,) (Entered: 02/08/2005)
02/08/2005	208	PROPOSED PRELIMINARY JURY INSTRUCTIONS filed by plaintiff Masimo Corporation.. (bp,) (Entered: 02/10/2005)
02/10/2005	209	OBJECTIONS to Jury Instructions (Proposed) 208 filed by Defendants Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 02/14/2005)
02/11/2005	210	REVISED PROPOSED PRELIMINARY JURY INSTRUCTIONS filed by plaintiff Masimo Corporation.. (bp,) (Entered: 02/14/2005)
02/11/2005	211	NOTICE of proposed agenda for final pre-trial conference filed by Plaintiff Masimo Corporation. (bp,) (Entered: 02/14/2005)
02/11/2005	212	NOTICE of Proposed Second Amended Pretrial Conference Order filed by defendant Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 02/14/2005)
02/11/2005	217	MINUTES: Final Pretrial Conference. Defense motion in limine re Masimo Testimony from the prior patent litigation. Defense motion in limine re inadmissibility of customer statement. Counsel will submit revised jury instructions and an amended joint pretrial order signed by all counsel. The court granted defense motion in limine re Masimo testimony from the prior patent litigation. The court needs to review the customer statements before ruling on the defense motion in limine re inadmissibility of customer statements. A

		hundred questionnaires will be delivered to the court for the jury impanelment on 2/16/05 at 1:30 p.m. Judge Mariana R. Pfaelzer :Court Reporter: Mark Schweitzer. (bp,) (Entered: 02/15/2005)
02/14/2005	213	EX PARTE APPLICATION for an Order to compel compliance with trial subpoena issued to William L. Bednarski filed by plaintiff Masimo Corporation. Lodged proposed order. (bp,) (Entered: 02/15/2005)
02/14/2005	214	DECLARATION of Stephen E. Morrissey in support of EX PARTE APPLICATION for Order 213 filed by plaintiff Masimo Corporation. (bp,) (Entered: 02/15/2005)
02/14/2005	215	Revised Witness List filed by defendant Tyco Health Care Group L.P., Mallinckrodt Incorporated.. (bp,) (Entered: 02/15/2005)
02/14/2005		PLACED IN FILE - NOT USED re NOTICE OF DOCUMENT DISCREPANCIES regarding Proposed Second Amended Pretrial Conference Order. (jp,) (Entered: 02/17/2005)
02/15/2005	216	APPLICATION AND ORDER of Non-Resident Attorney to Appear in a Specific Case by Vineet Bhatia for Masimo Corporation, designating Stephen E. Morrissey as local counsel. Fee paid. Approved by Judge Mariana R. Pfaelzer. (bp,) (Entered: 02/15/2005)
02/15/2005	218	SECOND REVISED PROPOSED PRELIMINARY JURY INSTRUCTIONS filed by plaintiff Masimo Corporation.. (bp,) (Entered: 02/16/2005)
02/15/2005	219	OPPOSITION to EX PARTE APPLICATION for Order 213 filed by non-party William L Bednarski. (bp,) (Entered: 02/16/2005)
02/15/2005	220	DECLARATION of William Bednarski in support of non-party William Bednarski's opposition to EX PARTE APPLICATION for Order 213 filed by non-party William L Bednarski. (bp,) (Entered: 02/16/2005)
02/15/2005	221	DECLARATION of Neal J. Stephens in support of opposition to EX PARTE APPLICATION for Order 213 filed by non-party William L Bednarski. (bp,) (Entered: 02/16/2005)
02/15/2005	222	PROOF OF SERVICE filed by non-party William L Bednarski. re Declaration (Motion related) 221 , Response in Opposition to Motion 219 , Declaration (Motion related) 220 , was served on 2/15/05. (bp,) (Entered: 02/16/2005)

02/16/2005	223	REPLY MEMORANDUM in support of EX PARTE APPLICATION for an Order to compel compliance with trial subpoena issued to William L. Bednarski 213 filed by plaintiff Masimo Corporation. (jp,) (Entered: 02/17/2005)
02/16/2005	224	SUPPLEMENTAL DECLARATION of STEPHEN E. MORRISSEY in support of EX PARTE APPLICATION for an Order to compel compliance with trial subpoena issued to William L. Bednarski 213 filed by plaintiff Masimo Corporation. (jp,) (Entered: 02/17/2005)
02/16/2005	225	PRELIMINARY JURY INSTRUCTIONS Nos 6 and 8 filed by defendants Tyco Health Care Group L.P., Mallinckrodt Incorporated. (jp,) (Entered: 02/17/2005)
02/16/2005	226	MINUTES before Judge Mariana R. Pfaelzer: Masimo Corporation EX PARTE APPLICATION for an Order to compel compliance with trial subpoena issued to William L. Bednarski 213 (filed 2/14/2005P Ruling on Barker/Sims and Barnum videos as demonstrative exhibits. Held telephonic hearing. Masimo EX PARTE APPLICATION for an Order to compel compliance with trial subpoena issued to William L. Bednarski is DENIED. The parties are to inform the Court of their proposed treatment at trial of documents related to Mr. Bednarski that were produced or furnished subsequent to Mr. Bednarski deposition testimony. Masimo request to permit the Barker/Sims and Barnum videos to be used as demonstrative exhibits is DENIED. The Court will consider a proposed order allowing Internet access in the courtroom during trial. The proposed order should conform to the guidelines discussed during the telephonic hearing. Both parties should agree and stipulate to the proposed order. The Court has reviewed the parties proposed preliminary jury instructions and ruled. The final preliminary jury instructions are attached. Court Reporter: Mark Schweitzer. (jp,) (Entered: 02/18/2005)
02/18/2005	227	MEMORANDUM regarding the Admissibility of customer statements and attached exhibits filed by plaintiff Masimo Corporation. (jp,) (Entered: 02/23/2005)
02/18/2005	228	NOTICE of joint list of disputed juror excusals of cause filed by defendants Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 02/23/2005)
02/22/2005	229	MEMORANDUM regarding handling of Bednarski and Engibous exhibits filed by plaintiff Masimo Corporation. (bp,) (Entered: 02/23/2005)

02/22/2005	230	MINUTES: First Day jury trial. The jury is impaneled and sworn; opening statements made by both counsel. Case continued to 2/23/05 at 9:15 a.m. for further trial/further jury deliberation. Jurors given preliminary jury instructions; bailiffs sworn. Judge Mariana R. Pfaelzer.Court Reporter: Mark Schweitzer. (bp,) (Entered: 02/23/2005)
02/22/2005	231	SECOND AMENDED PRETRIAL CONFERENCE ORDER by Judge Mariana R. Pfaelzer, (see document for details)(bp,) (Entered: 02/23/2005)
02/22/2005	232	NOTICE of bench memorandum regarding availability of Ms. Engibous filed by plaintiff Masimo Corporation. (bp,) (Entered: 02/23/2005)
02/22/2005	233	DECLARATION of Stephen E. Morrissey in support of bench memorandum regarding availability of Ms. Engibous 232 filed by Plaintiff Masimo Corporation. (bp,) (Entered: 02/23/2005)
02/22/2005	234	NOTICE of memorandum regarding senate hearings and codes of conduct filed by plaintiff Masimo Corporation. (bp,) (Entered: 02/23/2005)
02/22/2005	235	REPLY memorandum regarding the admissibility of customer statements filed by Plaintiff Masimo Corporation (bp,) (Entered: 02/23/2005)
02/22/2005	236	MEMORANDUM regarding additional voir dire filed by plaintiff Masimo Corporation. (bp,) (Entered: 02/23/2005)
02/22/2005	242	NOTICE: Bench brief re: exclusion of evidence relating to GPO senate hearings and GPO codes of conduct filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 02/24/2005)
02/22/2005	243	OPPOSITION to plaintiff's memorandum regarding admissibility of customer statements and attached exhibits 235 filed by Defendants Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 02/24/2005)
02/22/2005	244	SUPPLEMENTAL OBJECTIONS to defendants' exhibits filed by Plaintiff Masimo Corporation. (bp,) (Entered: 02/24/2005)
02/23/2005	237	Revised Joint Exhibit List filed by plaintiff and defendants' Masimo Corporation, Tyco Health Care Group L.P... (bp,) (Entered: 02/24/2005)
02/23/2005	238	NOTICE: Supplemental bench memorandum regarding senate hearings and codes of conduct filed by plaintiff

		Masimo Corporation. (bp,) (Entered: 02/24/2005)
02/23/2005	239	NOTICE: Bench memorandum regarding Tyco's improper use of deposition testimony subject to objection filed by plaintiff Masimo Corporation. (bp,) (Entered: 02/24/2005)
02/23/2005	240	RESPONSE to memo regarding availability of Doris Engibous filed by Defendants Tyco Health Care Group L.P., Mallinckrodt Incorporated to Notice (Other) 232 (bp,) (Entered: 02/24/2005)
02/23/2005	241	OPPOSITION to Masimo's bench memorandum regarding Tyco's Improper Use of deposition testimony subject to objection 239 filed by Defendants Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 02/24/2005)
02/23/2005	245	MINUTES OF Jury Trial - second day Day held before Judge Mariana R. Pfaelzer; witnesses called, sworn and testified; exhibits identified and admitted; Jury Trial set for 2/24/2005 09:15 AM.Court Reporter: Mark Schweitzer. (lc,) (Entered: 02/24/2005)
02/24/2005	246	NOTICE: Second supplemental bench memorandum regarding handling of senate hearings and codes of conduct filed by plaintiff Masimo Corporation. (bp,) (Entered: 02/25/2005)
02/24/2005	247	MINUTES: Second day jury trial. Witnesses called, sworn and testified. Exhibits identified. Exhibits admitted. Case continued to 2/25/05 at 9:15 a.m. Judge Mariana R. Pfaelzer.Court Reporter: Mark Schweitzer. (bp,) (Entered: 02/28/2005)
02/24/2005	336	MINUTES: Jury Trial - 3rd Day. Witnesses called, sworn and testified. Exhibits identified and admitted. Case continued to 2/28/05 at 9:15 a.m. Judge Mariana R. Pfaelzer .Court Reporter: Mark Schweitzer. (bp,) (Entered: 04/01/2005)
02/25/2005	248	NOTICE: Supplemental bench memorandum regarding recent authority on the relevance of customer statements to Masimo's claims filed by plaintiff Masimo Corporation. (bp,) (Entered: 02/28/2005)
02/25/2005	249	NOTICE: Bench memorandum regarding proffer of testimony from Mike Joyce concerning customer statements filed by plaintiff Masimo Corporation. (bp,) (Entered: 02/28/2005)
02/25/2005	250	NOTICE: Bench memorandum regarding offer into evidence filed by plaintiff Masimo Corporation. (bp,) (Entered: 02/28/2005)

		02/28/2005)
02/25/2005	251	RESPONSE to Masimo's second supplemental bench memorandum re: handing of senate hearing and codes of conduct filed by Defendants Tyco Health Care Group L.P., Mallinckrodt Incorporated 246 (bp,) (Entered: 02/28/2005)
02/25/2005	337	MINUTES: Jury Trial - 4th Day. Witnesses called, sworn and testified. Exhibits identified and admitted. Case continued to 2/28/05 at 9:15 a.m. for further trial held before Judge Mariana R. Pfaelzer .Court Reporter: Mark Schweitzer. (bp,) (Entered: 04/01/2005)
02/28/2005	252	PROPOSED JURY INSTRUCTIONS filed by plaintiff Masimo Corporation.. (bp,) (Entered: 03/01/2005)
02/28/2005	253	PROPOSED JURY INSTRUCTIONS regarding evidence of senate hearings and codes of conduct filed by plaintiff Masimo Corporation.. (bp,) (Entered: 03/01/2005)
02/28/2005	254	NOTICE of Bench Memorandum regarding proffer of testimony concerning customer statements filed by plaintiff Masimo Corporation. (bp,) (Entered: 03/01/2005)
02/28/2005	255	BENCH BRIEF RE: Exclusion of the expert report and testimony of Dr. Mithcell Goldstein filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 03/01/2005)
02/28/2005	256	OPPOSITION to Masimo's supplemental bench memorandum regarding recent authority on the relevance of customer statements 248 filed by Defendants Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 03/01/2005)
02/28/2005	257	BENCH BRIEF to voire dire Masimo expert Patti King outside the presence of the jury filed by defendants Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 03/01/2005)
03/01/2005	258	RESPONSE to Tyco's late motion to exclude testimony of Dr. Goldstein filed by plaintiff Masimo Corporation. (bp,) (Entered: 03/02/2005)
03/01/2005	259	NOTICE: Plaintiff Masimo Corporation's proffer of testimony from Patti King filed by plaintiff Masimo Corporation. (bp,) (Entered: 03/02/2005)
03/01/2005	262	MINUTES: 6th day jury trial. Witnesses called, sworn and testified; exhibits identified; exhibits admitted. Case

		continued to 3/2/05 at 9:15 a.m. Judge Mariana R. Pfaelzer : Court Reporter: Mark Schweitzer. (bp,) (Entered: 03/03/2005)
03/02/2005	260	APPLICATION AND ORDER of Non-Resident Attorney to Appear in a Specific Case by Andre V Egle for Masimo Corporation, designating Stephen E. Morrissey as local counsel. Fee paid. Approved by Judge Mariana R. Pfaelzer. (bp,) (Entered: 03/03/2005)
03/02/2005	261	MINUTES: 7th day; Witnesses called, sworn and testified; exhibits identified; exhibits admitted. Case continued to 3/3/05 at 9:15 a.m. for further trial. Judge Mariana R. Pfaelzer.Court Reporter: Mark Schweitzer. (bp,) (Entered: 03/03/2005)
03/03/2005	263	NOTICE: Proffer of deposition testimony to which Tyco has objected filed by plaintiff Masimo Corporation. (bp,) (Entered: 03/04/2005)
03/03/2005	264	NOTICE: Proffer of disputed redactions of documents that reference the senate hearing and related subjects filed by plaintiff Masimo Corporation. (bp,) (Entered: 03/04/2005)
03/03/2005	265	MINUTES: Jury Trial - 8th Day. Witnesses called, sworn and testified. Exhibits identified. Exhibits admitted. Case continued to 3/4/05 at 11:15 a.m. Judge Mariana R. Pfaelzer.Court Reporter: Mark Schweitzer. (bp,) (Entered: 03/04/2005)
03/04/2005	266	MINUTES: 9th day jury trial. Witnesses called, sworn and testified. Exhibits identified. Exhibits admitted. Case continued to 3/7/05 9:15 a.m. for further trial/further jury deliberation. Judge Mariana R. Pfaelzer.Court Reporter: Mark Schweitzer. (bp,) (Entered: 03/07/2005)
03/07/2005	267	MINUTES: 10th day jury trial. Witnesses called, sworn and testified. Exhibits identified. Exhibits admitted. Case continued to 3/8/05 at 11:00 a.m. for further trial. Judge Mariana R. Pfaelzer.Court Reporter: Mark Schweitzer. (bp,) (Entered: 03/08/2005)
03/08/2005	268	MINUTES: Jury Trial - 11th day. Witnesses called, sworn and testified. Exhibits identified. Exhibits admitted. Briefs on motions for directed verdict may exceed the 25 page limit. Judge Mariana R. Pfaelzer.Court Reporter: Mark Schweitzer. (bp,) (Entered: 03/09/2005)
03/08/2005	269	NOTICE: Tender of evidence for admission before Masino

		rests its case filed by plaintiff Masimo Corporation. (bp,) (Entered: 03/09/2005)
03/08/2005	270	NOTICE: Additional tender of evidence for admission before Masimo rests its case filed by plaintiff Masimo Corporation. (bp,) (Entered: 03/10/2005)
03/08/2005	271	BRIEF requesting exclusion of testimony from Dennis Kovac and Ray Larkin filed by plaintiff Masimo Corporation. (bp,) (Entered: 03/10/2005)
03/09/2005	272	NOTICE: Tender of additional trial exhibits filed by plaintiff Masimo Corporation. (bp,) (Entered: 03/10/2005)
03/09/2005	273	BENCH BRIEF seeking to limit professor Willig's testimony to economic issues, previously disclosed plaintiff Masimo Corporation. (bp,) (Entered: 03/10/2005)
03/09/2005	274	BENCH BRIEF seeking preclusion of any expert testimony or argument concerning a European "Yardstick" filed by plaintiff Masimo Corporation. (bp,) (Entered: 03/10/2005)
03/09/2005	275	MINUTES: Jury Trial - 12th day. Witnesses called, sworn and testified. Exhibits Identified. Exhibits admitted. Plaintiff rest. Case continued to 3/10/05 t 9:15 a.m. for further trial. The court approves the filing of the motion for judgment as a matter of law by 3/10/05. Judge Mariana R. Pfaelzer.Court Reporter: Mark Schweitzer. (bp,) (Entered: 03/10/2005)
03/09/2005	279	MEMORANDUM of Points and Authorities in Support of motion for judgment as a matter of law filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 03/11/2005)
03/09/2005	280	NOTICE of appendix of legal authority to Tyco Healthcare's memorandum of points and authorities in support of its motion for judgment as a mater of law filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 03/11/2005)
03/09/2005	281	NOTICE of exhibit cited in Tyco Healthcare's memorandum of points and authorities in support of its motion for judgment as a matter of law filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 03/11/2005)
03/10/2005	276	MINUTES: Jury Trial - 13th day. Witnesses called, sworn and testified. Exhibits identified. Exhibits admitted. Case continued to 3/11/05 at 9:15 a.m. for further trial/further jury deliberation. Judge Mariana R. Pfaelzer.Court Reporter:

		Mark Schweitzer. (bp,) (Entered: 03/11/2005)
03/10/2005	277	BENCH BRIEF Tyco's incorrect assertion that Dr. Ordover has offered opinions on liability issues filed by plaintiff Masimo Corporation. (bp,) (Entered: 03/11/2005)
03/10/2005	278	OBJECTIONS to plaintiff's proposed substantive and general jury instructions filed by Defendants Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 03/11/2005)
03/11/2005	282	MINUTES: Jury Trial - 14th Day. Witnesses called, sworn and testified. Exhibits identified. Exhibits admitted. Case continued to 3/14/05 at 9:15 a.m. Judge Mariana R. Pfaelzer.Court Reporter: Mark Schweitzer. (bp,) (Entered: 03/14/2005)
03/11/2005	283	SECOND AMENDED PRETRIAL CONFERENCE ORDER by Judge Mariana R. Pfaelzer, (see document for details)(bp,) (Entered: 03/14/2005)
03/11/2005	284	STIPULATION AND ORDER re: 8/8/05 letter to Datex-Ohmeda by Judge Mariana R. Pfaelzer : (see document for details)(bp,) (Entered: 03/14/2005)
03/14/2005	285	NOTICE OF MOTION AND MOTION to Strike Dr. Willig's opinion testimony regarding Tyco's share of the relevant market and the share of that market affected by Tyc's exclusionary practices filed by plaintiff Masimo Corporation. (bp,) (Entered: 03/15/2005)
03/14/2005	286	NOTICE of Fourth tender of evidence for admission filed by plaintiff Masimo Corporation. (bp,) (Entered: 03/15/2005)
03/14/2005	287	NOTICE of summary of evidence of exclusionary conduct at the hospital level filed by plaintiff Masimo Corporation. (bp,) (Entered: 03/15/2005)
03/14/2005	288	NOTICE of tender of evidence for admission filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 03/15/2005)
03/14/2005	289	MINUTES: Jury Trial - 15th Day. Witnesses called, sworn and testified. Exhibits identified. Exhibits admitted. Case continued to 3/15/05 at 9:15 a.m. Judge Mariana R. Pfaelzer.Court Reporter: Mark Schweitzer. (bp,) (Entered: 03/16/2005)
03/15/2005	290	MINUTES: Jury Trial - 16th Day. Witnesses called, sworn and testified. Exhibits identified. Exhibits admitted. Case

		continued to 3/16/05 at 11:00 a.m. with counsel only. Judge Mariana R. Pfaelzer .Court Reporter: Mark Schweitzer. (bp,) (Entered: 03/16/2005)
03/15/2005	291	CORRECTED PROPOSED JURY INSTRUCTIONS filed by plaintiff Masimo Corporation.. (bp,) (Entered: 03/16/2005)
03/15/2005	292	REVISED PROPOSED JURY INSTRUCTIONS AND SPECIAL VERDICT FORM filed by plaintiff Masimo Corporation.. (bp,) (Entered: 03/16/2005)
03/15/2005		***Automatic referral vacated, notion not referred to Magistrate Judge: MOTION to Strike 285 (jd,) (Entered: 04/01/2005)
03/16/2005	293	NOTICE OF MOTION AND MOTION for Judgment as a Matter of Law filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 03/16/2005)
03/16/2005	294	SUPPLEMENTAL MEMORANDUM in Support of MOTION for Judgment as a Matter of Law 293 filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 03/16/2005)
03/16/2005	295	APPENDIX OF LEGAL AUTHORITY TO DEFENDANTS SUPPLEMENTAL MEMORANUDM IN SUPPORT MOTION for Judgment as a Matter of Law 293 filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 03/16/2005)
03/16/2005	296	APPENDIX OF EXHIBITS CITED IN DEFENDANTS' SUPPLEMENTAL MEMORANDUM IN SUPPORT OF MOTION for Judgment as a Matter of Law 293 filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 03/16/2005)
03/16/2005	297	SUPPLEMENTAL TENDER OF EVIDENCE FOR ADMISSION RE MOTION for Judgment as a Matter of Law 293 filed by defendants Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 03/16/2005)
03/16/2005	332	MINUTES: Conference on jury instructions. Held conference on the record without jurors present. The court takes under submission the defense motion for judgment as a matter of law. Judge Mariana R. Pfaelzer :Court Reporter: Mark Schweitzer. (bp,) (Entered: 03/25/2005)
03/17/2005	298	MINUTES: Jury Trial - 17th Day. Closing arguments made by plaintiff(s), defendant(s). Excused juror S. Henley. Judge Mariana R. Pfaelzer.Court Reporter: Mark Schweitzer. (bp,)

		(Entered: 03/21/2005)
03/17/2005	301	List of Exhibits and Witnesses (bp,) . (Entered: 03/23/2005)
03/18/2005	299	MINUTES: Jury Trial - 18th Day. Court instructes jury, Bailiff sworn, jury retires to deliberate. Filed witness and exhibit lists. Motion for mistrial by defendant Tyco Health Care is denied. Case continued to 3/21/05 at 8:00 a.m. Judge Mariana R. Pfaelzer.Court Reporter: Mark Schweitzer. (bp,) (Entered: 03/21/2005)
03/18/2005	300	BENCH BRIEF RE: Admission or instruction on exhibit 413 and instruction to strike reference made in closing filed by defendant Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 03/23/2005)
03/18/2005	302	JURY INSTRUCTIONS (Given). (bp,) (Entered: 03/23/2005)
03/18/2005	333	PROPOSED CURATIVE JURY INSTRUCTIONS regarding defendant Tyco's objection made during closing arguments filed by plaintiff Masimo Corporation.. (bp,) (Entered: 03/25/2005)
03/18/2005	334	PROPOSED CURATIVE JURY INSTRUCTIONS regarding defendant Tyco's reference to exhibit 413 during closing arguments filed by plaintiff Masimo Corporation.. (bp,) (Entered: 03/25/2005)
03/21/2005	303	MINUTES: Jury Trial - 19th Day held. Jury verdict in favor of plaintiff; jury polled; filed jury notes; filed jury instructions; motion for mistrial denied. Completed before Judge Mariana R. Pfaelzer Court Reporter: Mark Schweitzer. (bp,) (Entered: 03/23/2005)
03/21/2005	304	RECEIPT FOR RELEASE OF EXHIBITS to Counsel Upon Verdict/Judgment at Trial; Pursuant to stip of counsel and/or by Order of the Court, all exhibits listed on joint exhibits list are returned to counsel for respective party(ies) (bp,) (Entered: 03/23/2005)
03/21/2005	305	SPECIAL VERDICT FORM in favor of plaintiff Masimo Corporation and against Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 03/23/2005)
03/21/2005	306	Jury Notes # 1 filed. (bp,). (Entered: 03/23/2005)
03/21/2005	307	Jury Notes # 2 filed. (bp,) (Entered: 03/23/2005)
03/22/2005	308	RECEIPT OF REPORTERS TRANSCRIPT of proceedings for the following dates: 02/11/05, 02/16/05, 02/22/05, 02/23/05,

		02/24/05, 02/25/05, 02/28/05, 03/01/05, 03/02/05, 03/03/05 Court Reporter: Mark Schweitzer. (cbr,) (Entered: 03/23/2005)
03/22/2005	309	TRANSCRIPT filed for proceedings held on 02/11/05. Court Reporter: Mark Schweitzer. (cbr,) (Entered: 03/23/2005)
03/22/2005	310	TRANSCRIPT filed for proceedings held on 02/16/05. Court Reporter: Mark Schweitzer. (cbr,) (Entered: 03/23/2005)
03/22/2005	311	TRANSCRIPT filed for proceedings held on 02/22/05. Court Reporter: Mark Schweitzer. (cbr,) (Entered: 03/23/2005)
03/22/2005	312	TRANSCRIPT filed for proceedings held on 02/23/05. Court Reporter: Mark Schweitzer. (cbr,) (Entered: 03/23/2005)
03/22/2005	313	TRANSCRIPT filed for proceedings held on 02/24/05. Court Reporter: Mark Schweitzer. (cbr,) (Entered: 03/23/2005)
03/22/2005	314	TRANSCRIPT filed for proceedings held on 02/25/05. Court Reporter: Mark Schweitzer. (cbr,) (Entered: 03/23/2005)
03/22/2005	315	TRANSCRIPT filed for proceedings held on 02/28/05. Court Reporter: Mark Schweitzer. (cbr,) (Entered: 03/23/2005)
03/22/2005	316	TRANSCRIPT filed for proceedings held on 03/01/05. Court Reporter: Mark Schweitzer. (cbr,) (Entered: 03/23/2005)
03/22/2005	317	TRANSCRIPT filed for proceedings held on 03/02/05. Court Reporter: Mark Schweitzer. (cbr,) (Entered: 03/23/2005)
03/22/2005	318	TRANSCRIPT filed for proceedings held on 03/3/05. Court Reporter: Mark Schweitzer. (cbr,) (Entered: 03/23/2005)
03/22/2005	319	RECEIPT OF REPORTERS TRANSCRIPT of proceedings for the following dates: 03/04/05, 03/07/05, 03/08/05, 03/09/05, 03/10/05, 03/11/05, 03/14/05, 03/15/05, 03/16/05, 03/17/05, 03/18/05 Court Reporter: Mark Schweitzer. (cbr,) (Entered: 03/24/2005)
03/22/2005	320	TRANSCRIPT filed for proceedings held on 03/04/05. Court Reporter: Mark Schweitzer. (cbr,) (Entered: 03/24/2005)
03/22/2005	321	TRANSCRIPT filed for proceedings held on 03/07/05. Court Reporter: Mark Schweitzer. (cbr,) (Entered: 03/24/2005)
03/22/2005	322	TRANSCRIPT filed for proceedings held on 03/08/05. Court Reporter: Mark Schweitzer. (cbr,) (Entered: 03/24/2005)
03/22/2005	323	TRANSCRIPT filed for proceedings held on 03/09/05. Court Reporter: Mark Schweitzer. (cbr,) (Entered: 03/24/2005)

03/22/2005	324	TRANSCRIPT filed for proceedings held on 03/10/05. Court Reporter: Mark Schweitzer. (cbr,) (Entered: 03/24/2005)
03/22/2005	325	TRANSCRIPT filed for proceedings held on 03/11/05. Court Reporter: Mark Schweitzer. (cbr,) (Entered: 03/24/2005)
03/22/2005	326	TRANSCRIPT filed for proceedings held on 03/14/05. Court Reporter: Mark Schweitzer. (cbr,) (Entered: 03/24/2005)
03/22/2005	327	TRANSCRIPT filed for proceedings held on 03/15/05. Court Reporter: Mark Schweitzer. (cbr,) (Entered: 03/24/2005)
03/22/2005	328	TRANSCRIPT filed for proceedings held on 03/16/05. Court Reporter: Mark Schweitzer. (cbr,) (Entered: 03/24/2005)
03/22/2005	329	TRANSCRIPT filed for proceedings held on 03/17/05. Court Reporter: Mark Schweitzer. (cbr,) (Entered: 03/24/2005)
03/22/2005	330	TRANSCRIPT filed for proceedings held on 03/18/05. Court Reporter: Mark Schweitzer. (cbr,) (Entered: 03/24/2005)
03/22/2005	335	ORDER Denying the stipulation and proposed order granting the parties' request to install internet access in the courtroom by Judge Mariana R. Pfaelzer, (bp,) (Entered: 03/25/2005)
03/22/2005		PLACED IN FILE - NOT USED re proposed order submitted by plaintiff Masimo Corporation. (bp,) (Entered: 03/25/2005)
03/22/2005		PLACED IN FILE - NOT USED re proposed order denying plaintiffs' ex parte application submitted by non-party William L Bednarski. (bp,) (Entered: 03/25/2005)
03/22/2005		PLACED IN FILE - NOT USED re revised proposed order granting the parties' request to install internet access in the courtroom submitted by plaintiff Masimo Corporation. (bp,) (Entered: 03/25/2005)
03/22/2005		PLACED IN FILE - NOT USED re proposed order granting the parties' request to install internet access in the courtroom submitted by plaintiff Masimo Corporation. (bp,) (Entered: 03/25/2005)
04/13/2005	339	RECEIPT OF REPORTERS TRANSCRIPT of proceedings for the following dates: 3/21/05 Court Reporter: Mark Schweitzer. (ghap,) (Entered: 04/18/2005)
04/13/2005	340	TRANSCRIPT filed for proceedings held on 3/21/05. Court Reporter: Mark Schweitzer. (ghap,) (Entered: 04/18/2005)
04/14/2005	338	MINUTES: Held telephone conference. A stipulation is being

		prepared for the briefing schedule on post trial motions in Masimo v. Tyco. The Malinckroft appeal has been briefed and is awaiting a hearing date, probably in July. Discussed the patent and anti-trust relationship between the two cases. The court suggested a settlement judge to resolve a portion or all of the litigation. Counsel will meet and confer and call the clerk to schedule a further telephone conference the week of 4/18/05. Judge Mariana R. Pfaelzer :Court Reporter: John Turman. (bp,) (Entered: 04/15/2005)
04/21/2005	341	STIPULATION AND ORDER regarding briefing and hearing schedule on post-trial motions by Judge Mariana R. Pfaelzer : (see document for details)(bp,) (Entered: 04/22/2005)
04/21/2005	342	MINUTES: Held Telephone Conference. A stipulation was lodged today on post trial motions in Masimo v. Tyco. the Malinckroft appeal is awaiting a hearing date, probably in July. Judge Mariana R. Pfaelzer :Court Reporter: Pam Seijas. (bp,) (Entered: 04/22/2005)
04/27/2005	343	RECEIPT OF REPORTERS TRANSCRIPT of proceedings for the following dates: 4/14/05 Court Reporter: John Turman. (ghap,) (Entered: 04/28/2005)
05/06/2005	344	NOTICE OF MOTION AND MOTION to Stay entry of judgment filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated. Motion set for hearing on 6/28/2005 at 11:00 AM before Honorable Mariana R. Pfaelzer. Lodged lodged order. (bp,) (Entered: 05/10/2005)
05/06/2005	345	NOTICE OF MOTION re MOTION to Stay pending entry of judgment 344 filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 05/10/2005)
05/06/2005	346	NOTICE OF MOTION AND MOTION for Renewed Judgment as a matter of law, or alternatively MOTION for a New Trial filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated. Motion set for hearing on 6/28/2005 at 11:00 AM before Honorable Mariana R. Pfaelzer. Lodged proposed order. (bp,) (Entered: 05/10/2005)
05/06/2005	347	MEMORANDUM of Points and Authorities in Support of MOTION for Judgment MOTION for New Trial MOTION for New Trial 346 filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 05/10/2005)

05/06/2005	348	APPENDIX OF LEGAL AUTHORITY TO MEMORANDUM OF POINTS AND AUTHORITIES RE: MOTION for Judgment MOTION for New Trial MOTION for New Trial 346 filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 05/10/2005)
05/06/2005	349	APPENDIX OF TRIAL MATERIALS CITED IN MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION for Judgment MOTION for New Trial MOTION for New Trial 346 filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated. [VOLUME 1 of 2] (bp,) (Entered: 05/10/2005)
05/06/2005	350	APPENDIX OF MATERIAL CITED IN SUPPORT OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION for Judgment MOTION for New Trial MOTION for New Trial 346 filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated. [VOLUME 2 of 2] (bp,) (Entered: 05/10/2005)
05/06/2005	351	PROOF OF SERVICE filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated. re MOTION to Stay pending entry of judgment 344 , Motion Related Document, 349 , Notice of Motion 345 , Motion Related Document, 350 , MOTION for Judgment MOTION for New Trial MOTION for New Trial 346 , Memorandum in Support of Motion 347 , Motion Related Document 348 , was served on 5/6/05. (bp,) (Entered: 05/10/2005)
05/06/2005	352	NOTICE OF MOTION AND MOTION for entry of Permanent Injunction filed by plaintiff Masimo Corporation. Motion set for hearing on 6/28/2005 at 11:00 AM before Honorable Mariana R. Pfaelzer. Lodged lodged proposed order. (bp,) (Entered: 05/10/2005)
05/06/2005	353	MEMORANDUM of points and authorities in Support of MOTION for Permanent Injunction 352 filed by plaintiff Masimo Corporation. (bp,) (Entered: 05/10/2005)
05/06/2005	354	DECLARATION of Stephen E. Morrissey in support of MOTION for Permanent Injunction 352 filed by plaintiff Masimo Corporation. (bp,) (Entered: 05/10/2005)
05/06/2005	355	APPENDIX OF TRIAL TRANSCRIPT EXCERPTS CITED IN MOTION for Permanent Injunction 352 filed by plaintiff Masimo Corporation. (bp,) (Entered: 05/10/2005)
05/06/2005	356	APPENDIX OF TRIAL EXHIBITS CITED IN MOTION for Permanent Injunction 352 filed by plaintiff Masimo Corporation. (bp,) (Entered: 05/10/2005)

05/11/2005	357	NOTICE OF ERRATA re memorandum of points and authorities in support of motion for Permanent Injunction 352 filed by plaintiff Masimo Corporation. (bp,) (Entered: 05/12/2005)
05/11/2005	358	CORRECTED MEMORANDUM of Points and Authorities in Support of MOTION for Permanent Injunction 352 filed by plaintiff Masimo Corporation. (bp,) (Entered: 05/12/2005)
05/27/2005	359	STIPULATION AND ORDER modifying briefing schedule on post-trial motions and order by Judge Mariana R. Pfaelzer : (see document for details)(bp,) (Entered: 05/27/2005)
05/27/2005	360	OPPOSITION to MOTION for Permanent Injunction 352 filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 06/02/2005)
05/27/2005	361	APPENDIX OF TRIAL MATERIALS CITED IN DEFENDANTS OPPOSITION TO MOTION for Permanent Injunction 352 filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 06/02/2005)
05/27/2005	362	APPENDIX OF LEGAL AUTHORITY TO DEFENDANTS OPPOSITION TO MOTION for Permanent Injunction 352 filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 06/02/2005)
05/27/2005	363	PROOF OF SERVICE filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated. re Motion Related Document 362 , Response in Opposition to Motion 360 , Motion Related Document 361 , was served on 5/27/05. (bp,) (Entered: 06/02/2005)
06/01/2005	365	MEMORANDUM of Points and Authorities in Opposition to MOTION to Stay pending entry of judgment 344 filed by plaintiff Masimo Corporation. (bp,) (Entered: 06/06/2005)
06/01/2005	366	MEMORANDUM of Points and Authorities in Opposition to MOTION for Judgment MOTION for New Trial MOTION for New Trial 346 filed by plaintiff Masimo Corporation. (bp,) (Entered: 06/06/2005)
06/01/2005	367	APPENDIX TO PLAINTIFF'S MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION TO MOTION for Judgment MOTION for New Trial MOTION for New Trial 346 filed by plaintiff Masimo Corporation. (VOLUME 1 OF 4) (bp,) (Entered: 06/06/2005)
06/01/2005	368	APPENDIX TO PLAINTIFF'S MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION TO MOTION for Judgment

		MOTION for New Trial MOTION for New Trial 346 filed by plaintiff Masimo Corporation. (VOLUME 2 OF 4) (bp,) (Entered: 06/06/2005)
06/01/2005	369	APPENDIX TO PLAINTIFF'S MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION TO MOTION for Judgment MOTION for New Trial MOTION for New Trial 346 filed by plaintiff Masimo Corporation. (VOLUME 3 OF 4) (bp,) (Entered: 06/06/2005)
06/01/2005	370	APPENDIX TO PLAINTIFF'S MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION TO MOTION for Judgment MOTION for New Trial MOTION for New Trial 346 filed by plaintiff Masimo Corporation. (VOLUME 4 OF 4) (bp,) (Entered: 06/06/2005)
06/03/2005	364	RECEIPT OF REPORTERS TRANSCRIPT of proceedings for the following dates: 4/14/05 Court Reporter: John G. Turman (Transcript Filed under CV00-6506 MRP) (nm,) (Entered: 06/06/2005)
06/20/2005	371	REPLY memorandum in support of MOTION to Stay pending entry of judgment 344 filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 06/22/2005)
06/20/2005	372	APPENDIX OF LEGAL AUTHORITY to Tyco Healthcare's reply memorandum in support of MOTION for Judgment as a Matter of Law 293 filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 06/22/2005)
06/20/2005	373	APPENDIX OF MATERIALS CITED in Tyco Healthcare's reply memorandum in support of MOTION to Stay pending entry of judgment 344 filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 06/22/2005)
06/20/2005	374	APPENDIX OF TRIAL MATERIALS CITED in Tyco Healthcare's reply memorandum in support of MOTION for Judgment MOTION for New Trial MOTION for New Trial 346 filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 06/22/2005)
06/20/2005	375	APPENDIX OF TRIAL MATERIALS CITED in Tyco Healthcare's reply memorandum in support of MOTION for Judgment MOTION for New Trial MOTION for New Trial 346 filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 06/22/2005)

06/20/2005	376	PROOF OF SERVICE filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated. re Motion Related Document 373 , Motion Related Document 374 , Motion Related Document 375 , Reply (Motion related) 371 , Motion Related Document 372 , was served on 6/20/05. (bp,) (Entered: 06/22/2005)
06/20/2005	384	REPLY Memorandum in support of MOTION for Judgment as a Matter of Law 293 filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 06/30/2005)
06/21/2005	377	REPLY Memorandum in support of MOTION for Permanent Injunction 352 filed by plaintiff Masimo Corporation. (bp,) (Entered: 06/22/2005)
06/21/2005	378	APPENDIX TO plaintiff's reply memorandum in support of it's motion for Permanent Injunction 352 filed by plaintiff Masimo Corporation. (bp,) (Entered: 06/22/2005)
06/21/2005	379	APPENDIX TO plaintiff's reply memorandum in support of motion for Permanent Injunction 352 filed by plaintiff Masimo Corporation. Vo.2 of 2 (bp,) (Entered: 06/22/2005)
06/22/2005	380	EX PARTE APPLICATION for Leave to submit supplemental response to Tyco's motion to stay entry of judgment filed by plaintiff Masimo Corporation. Lodged lodged proposed order. (bp,) (Entered: 06/27/2005)
06/24/2005	381	OPPOSITION to EX PARTE APPLICATION for Leave 380 filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 06/28/2005)
06/24/2005	383	ORDER granting Ex Parte Application for Leave to submit supplemental response to Tyco's motion to stay entry of judgment 380 . IT IS HEREBY ORDERED by Judge Mariana R. Pfaelzer that the [proposed] supplemental response attached hereto as Exhibit A shall be filed. Tyco may file a reply memorandum addressing the issues raised in the supplemental response on or before June 27, 2005. (jp,) (Entered: 06/29/2005)
06/24/2005	385	NOTICE OF DOCUMENT DISCREPANCIES AND ORDER by Judge Mariana R. Pfaelzer ORDERING reply memorandum submitted by Defendants Tyco Health Care Group L.P., Mallinckrodt Incorporated received on 6/20/05 to be filed and processed; filed date to be the date the document was stamped Received but not Filed with the Clerk.(bp,) (Entered: 06/30/2005)

06/28/2005	382	MINUTES before Judge Mariana R. Pfaelzer: Tyco Healthcare MOTION for Renewed Judgment as a matter of law, or alternatively MOTION for a New Trial 346 ; Tyco Healthcare MOTION to Stay pending entry of judgment 344 ; Masimo Corporation MOTION for Entry of a Permanent Injunction 352 ; Tyco Health Care Motion for New Trial (Filed May 6, 2005). Case called. Counsel make their appearances. Court and counsel confer. The Court takes matters under submission. Conference call is scheduled for Thursday, 6/30/2005 at 01:45 PM. Court Reporter: Pamela Seijas. (jp,) (Entered: 06/29/2005)
06/30/2005	386	MINUTES: Telephone Conference Call with parties to discuss their settlement intentions. Counsel inform court of their intentions to pursue a settlement conference before Judge William Matthew Byrne, Jr. Further conference call is scheduled for Tuesday, 7/5/05 at 1:00 p.m. to schedule said settlement conference. Judge Mariana R. Pfaelzer.Court Reporter: Leni LeBlanc. (bp,) (Entered: 07/01/2005)
07/01/2005	387	RECEIPT OF REPORTERS TRANSCRIPT of proceedings for the following dates: 6/28/05 Court Reporter: Pamela A. Seijas (nm,) (Entered: 07/05/2005)
07/01/2005	389	TRANSCRIPT filed for proceedings held on 6/28/05. Court Reporter: Pamela A. Seijas. (nm,) (Entered: 07/07/2005)
07/05/2005	388	MINUTES OF Telephone Conference held before Judge Mariana R. Pfaelzer : The parties will confer and select a date after Sept 1, 2005. All pending motions are on holdCourt Reporter: Maria Bustillos. (yl,) (Entered: 07/07/2005)
07/29/2005	390	NOTICE of change of attorney information of Craig N. Hentschel filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 08/04/2005)
08/25/2005	391	MINUTES: Per oral stipulation of counsel and with approval from judge Pfaelzer, this case is before teh Honorable Judge Byrne fro settlement proceedings. The court has set this matter for a conference call for Wednesday, 9/7/05, at 3:00 p.m. Judge Mariana R. Pfaelzer.Court Reporter: not present. (bp,) (Entered: 08/25/2005)
08/31/2005	392	NOTICE of change of address and facsimile number as follows: Cooly Godward LLP, 101 California Street, 5th Floor, San Francisco, CA 94111-5800, telephone 415-693-2000; Fax 415-693-2222 filed by defendants' Tyco Health Care

		Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 09/02/2005)
09/07/2005	393	MINUTES OF Telephone Conference held before Judge Wm. Matthew Byrne: Court vacates the tentative settlement conference date of 9/21/2005. Counsel suggest a number of options, the Court appoints Marc Seltzer as the parties representative for the purpose of communicating to the Court what course of action the parties choose. No further dates are scheduled. Court Reporter: Not Present. (gk,) (Entered: 09/12/2005)
01/05/2006	394	MINUTES: The court, on it's own motion, schedules a telephonic status conference in this case for 1/6/06 at 11:00 a.m. Judge Mariana R. Pfaelzer.Court Reporter: Not reported. (bp,) (Entered: 01/06/2006)
01/06/2006	395	MINUTES: OF Telephone Conference held before Judge Mariana R. Pfaelzer : The parties discuss status of patent, anti-trust and damage issues. Settlement issues are being explored and counsel will notify the court by next friday on the out come. The court orders the parties to stipulate to a briefing schedule and reaffirm any current dates that will not change. The order is due by 1/10/06.Court Reporter: Theresa Lanza. (bp,) (Entered: 01/06/2006)
03/22/2006	396	MEMORANDUM OF DECISION RE: Post-Trial Motions. The jury's section 1, 2 and 3 liability verdict is sutained based on the anticompetitive effects of market share discounts and Sole Source contracts. The jury's findings of liability based on the other alleged anticompetitive practices are vacated. The jury's damages award is vacated in its entirety. The court GRANTS defendants' motion for a new trial on damages by Judge Mariana R. Pfaelzer, 285 , 293 , 344 , 352 , 346 (bp,) (Entered: 03/23/2006)
03/29/2006	397	MINUTES: The court hereby schedules a staus conference in the above-entitled action for Friday, 4/7/06 at 11:00 a.m. Judge Mariana R. Pfaelzer.Court Reporter: Not reported. (bp,) (Entered: 03/30/2006)
04/05/2006	398	NOTICE OF MOTION AND MOTION for Order for to modify judgment and for New Trial filed by plaintiff Masimo Corporation. Motion set for hearing on 5/3/2006 at 10:00 AM before Judge Mariana R. Pfaelzer. (bp,) (Entered: 04/07/2006)
04/05/2006	399	MEMORANDUM of Points and Authorities in Support of

		MOTION for Order for to modify judgment MOTION for New Trial 398 filed by plaintiff Masimo Corporation. (bp,) (Entered: 04/07/2006)
04/05/2006	400	DECLARATION of Stephen E. Morrissey in support of MOTION for Order for to modify judgment MOTION for New Trial 398 filed by plaintiff Masimo Corporation. (bp,) (Entered: 04/07/2006)
04/05/2006	401	APPENDIX TO PLAINTIFF MASIMO CORPORATION'S TO MOTION for Order for to modify judgment MOTION for New Trial 398 filed by plaintiff Masimo Corporation. (vol. 1 of 2) (bp,) (Entered: 04/07/2006)
04/05/2006	402	APPENDIX TO PLAINTIFF MASIMO CORPORATION'S MOTION for Order for to modify judgment MOTION for New Trial 398 filed by plaintiff Masimo Corporation. (bp,) (Entered: 04/07/2006)
04/07/2006	403	MINUTES: Status Conference. The court and counsel have discussion as to format and scope in proceeding to trial in this action. The court will have a further status conference on this issue on 6/1/06 at 11:00 a.m. The court GRANTS the joint request of the parties' to continue plaintiff's motion to modify the judgment, and for new trial as follows: Plaintiff's motion to modify the judgment, and for new trial are continued to Thursday, 6/1/06 at 11:00 a.m. defendant's opposition shall be filed on or before Monday, 5/8/07. Plaintiff's reply shall be filed on or before Monday, 5/22/07. Judge Mariana R. Pfaelzer.Court Reporter: Deborah Gackle. (bp,) (Entered: 04/11/2006)
04/07/2006		MOTION for Order for to modify judgment MOTION for New Trial 398 . Responses due by 5/8/2006 Replies due by 5/22/2006.Motion reset for hearing on 6/1/2006 at 11:00 AM before Judge Mariana R. Pfaelzer. (bp,) (Entered: 04/11/2006)
04/07/2006	404	MINUTES: Status Conference held. The court and counsel have discussion as to format and scope in proceeding to trial in this action. The court will have a further status conference on the issue on 6/1/06 at 11:00 a.m. The court GRANTS the joint request of the parties' to continue plaintiff's motion to modify the judgment, and for new trial as follows: Plaintiffs motion to modify the judgment, and for new trial are continued to Thursday, 6/1/06 at 11:00 a.m. defendant's opposition shall be filed on or before Monday, 5/8/07. Plaintiff's reply shall be filed on or before Monday, 5/22/07

		before Judge Mariana R. Pfaelzer.Court Reporter: Deborah Gackle. (bp,) (Entered: 04/13/2006)
04/07/2006		MOTION for Order for to modify judgment MOTION for New Trial 398 . Responses due by 5/8/2006 Replies due by 5/22/2006. Motion set for hearing on 6/1/2006 at 11:00 AM before Judge Mariana R. Pfaelzer. (bp,) (Entered: 04/13/2006)
04/07/2006	405	MINUTES: Status Conference. The court and counsel have discussion as to format and scope in proceeding to trial in this action. The court will have a further status conference on this issue on 6/1/06 at 11:00 a.m. The court GRANTS the joint request of the parties' to continue plaintiff's motion to modify the judgment, and for new trial as follows: Plaintiff's motion to modify the judgment, and for new trial are continued to Thursday, 6/1/06 at 11:00 a.m. defendant's opposition shall be filed on or before Monday, 5/8/06. Plaintiff's reply shall be filed on or before Monday, 5/22/06 held before Judge Mariana R. Pfaelzer.Court Reporter: Deborah Gackle. (bp,) (Entered: 04/14/2006)
04/07/2006		Set Deadlines as to MOTION for Order for to modify judgment MOTION for New Trial 398 . Responses due by 5/8/2006 Replies due by 5/22/2006. Motion set for hearing on 6/1/2006 at 11:00 AM before Judge Mariana R. Pfaelzer. (bp,) (Entered: 04/14/2006)
04/21/2006	406	RECEIPT OF REPORTERS TRANSCRIPT of proceedings for the following dates: 4/7/06 Court Reporter: Deborah Gackle. (ghap,) (Entered: 04/25/2006)
04/21/2006	407	TRANSCRIPT filed for proceedings held on 4/7/06. Court Reporter: Deborah Gackle. (ghap,) (Entered: 04/25/2006)
05/08/2006	408	OPPOSITION to MOTION for Order for to modify judgment MOTION for New Trial 398 filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 05/09/2006)
05/08/2006	409	DECLARATION of Craig Huckelbridge in support of opposition to MOTION for Order for to modify judgment MOTION for New Trial 398 filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 05/09/2006)
05/08/2006	410	DECLARATION of Craig Huckelbridge in support of opposition to MOTION for Order for to modify judgment MOTION for New Trial 398 filed by defendants' Tyco Health Care Group

		L.P., Mallinckrodt Incorporated. Volume 2 of 2 (Exhibits H-R) (bp,) (Entered: 05/09/2006)
05/08/2006	411	PROOF OF SERVICE filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated, Joint stipulation and proposed order regarding length of opposition to motion to modify judgment was served on 5/8/06. (bp,) (Entered: 05/09/2006)
05/08/2006	412	PROOF OF SERVICE filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated, re Declaration (Motion related) 410 , Response in Opposition to Motion 408 , Declaration (Motion related) 409 , was served on 5/8/06. (bp,) (Entered: 05/09/2006)
05/08/2006	413	STIPULATION AND ORDER that Tyco Healthcar's opposition in response to Masimo's motion to modify judgment and for a new trial may exceed the 25-page limit set forth in L.R. 11-6 by up to five (5) additional pages. Masimo's reply memorandum in support of its motion to modify judgment and for a new trial also may exceed the 25-page limit set forth in L.R. 11-6 by up to five (5) additional pages by Judge Mariana R. Pfaelzer : (bp,) (Entered: 05/09/2006)
05/22/2006	414	REPLY Memorandum in support of MOTION for Order for to modify judgment MOTION for New Trial 398 filed by plaintiff Masimo Corporation. (bp,) (Entered: 05/25/2006)
05/22/2006	415	REPLY Memorandum in support of MOTION for Order for to modify judgment MOTION for New Trial 398 filed by plaintiff Masimo Corporation. (bp,) (Entered: 05/25/2006)
06/01/2006	416	MINUTES: Plaintiff Masimo Corporation's motion to modify judgment and for new trial. The above-entitled motions are taken under submission. Judge Mariana R. Pfaelzer : Court Reporter: Rosalyn Adams. (bp,) (Entered: 06/02/2006)
06/20/2006	417	ORDER: The court affirms the rulings made in its memorandum of decision filed on 3/23/06, and grants Masimo's motion only in that the retrial on damages shall proceed on three claims of liability: Section 1 of the Sherman Act, 15 U.S.C. 1, Section 2 of the Sherman Act, 15 U.S.C. 14. The motion is otherwise denied by Judge Mariana R. Pfaelzer, (bp,) (Entered: 06/21/2006)
07/06/2006	418	MINUTES: Telephonic OF Status Conference held before Judge Mariana R. Pfaelzer : The court sets a trial date of Tuesday, 10/10/2006 11:00 AM before Judge Mariana R. Pfaelzer. Court Reporter: Deborah Gackle. (bp,) (Entered: 07/06/2006)

		07/07/2006)
09/06/2006	419	STIPULATION AND ORDER. The parties shall complete pre-trial proceedings in accordance with the deadlines to which they have stipulated and agreed, and the final pre-trial conference is set for 10/5/06 at 11:00 a.m. by Judge Mariana R. Pfaelzer.(bp,) (Entered: 09/07/2006)
09/15/2006	421	RECEIPT OF REPORTERS TRANSCRIPT of proceedings for the following dates: 7/06/06 Court Reporter: Deborah Gackle (lr,) (Entered: 09/22/2006)
09/15/2006	422	TRANSCRIPT filed for proceedings held on 7/06/06. Court Reporter: Deborah Gackle. (lr,) (Entered: 09/22/2006)
09/20/2006	420	BENCH BRIEF AND REQUEST for conference regarding jury instruction relating to prior trial filed by plaintiff Masimo Corporation. (bp,) (Entered: 09/21/2006)
09/22/2006	423	NOTICE OF MOTION AND MOTION IN LIMINE #1 to Exclude Jeffrey Mackie-Mason's report and testimony filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated. Motion set for hearing on 10/5/2006 at 11:00 AM before Judge Mariana R. Pfaelzer.(bp,) (Entered: 09/25/2006)
09/22/2006	424	MEMORANDUM in Support of MOTION IN LIMINE #1 to Exclude Jeffrey Mackie-Mason's report and testimony 423 filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 09/25/2006)
09/22/2006	425	NOTICE OF MOTION AND MOTION IN LIMINE #2 to Exclude Einer Elhauge's report and testimony filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated. Motion set for hearing on 10/5/2006 at 11:00 AM before Judge Mariana R. Pfaelzer. Lodged proposed order.(bp,) (Entered: 09/25/2006)
09/22/2006	426	MEMORANDUM in Support of MOTION IN LIMINE #2 to Exclude Einer Elhauge's report and testimony 425 filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 09/25/2006)
09/22/2006	427	NOTICE OF MOTION AND MOTION IN LIMINE #3 to Exclude evidence of anticompetitive intent filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated. Motion set for hearing on 10/5/2006 at 11:00 AM before Judge Mariana R. Pfaelzer. Lodged proposed order.(bp,) (Entered: 09/25/2006)

09/22/2006	428	MEMORANDUM in Support of MOTION IN LIMINE #3 to Exclude evidence of anticompetitive intent 427 filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 09/25/2006)
09/22/2006	429	NOTICE OF MOTION AND MOTION IN LIMINE #4 to Exclude evidence and argument re punitive damages filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated. Motion set for hearing on 10/5/2006 at 11:00 AM before Judge Mariana R. Pfaelzer. Lodged proposed order.(bp,) (Entered: 09/25/2006)
09/22/2006	430	MEMORANDUM in Support of MOTION IN LIMINE #4 to Exclude evidence and argument re punitive damages 429 filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 09/25/2006)
09/22/2006	431	NOTICE OF MOTION AND MOTION IN LIMINE #5 to Exclude references to Dr. Ordoover's prior damages testimony filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated. Motion set for hearing on 10/5/2006 at 11:00 AM before Judge Mariana R. Pfaelzer. Lodged proposed order.(bp,) (Entered: 09/25/2006)
09/22/2006	432	MEMORANDUM in Support of MOTION IN LIMINE #5 to Exclude references to Dr. Ordoover's prior damages testimony 431 filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 09/25/2006)
09/22/2006	433	PROOF OF SERVICE filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated, re MOTION IN LIMINE #5 to Exclude references to Dr. Ordoover's prior damages testimony 431 , MOTION IN LIMINE #1 to Exclude Jeffrey Mackie-Mason's report and testimony 423 , Memorandum in Support of Motion 424 , Memorandum in Support of Motion 426 , Memorandum in Support of Motion 428 , MOTION IN LIMINE #4 to Exclude evidence and argument re punitive damages 429 , MOTION IN LIMINE #2 to Exclude Einer Elhauge's report and testimony 425 , Memorandum in Support of Motion 430 , MOTION IN LIMINE #3 to Exclude evidence of anticompetitive intent 427 , Memorandum in Support of Motion 432 , was served on 9/22/06. (bp,) (Entered: 09/25/2006)
09/22/2006	434	NOTICE OF MOTION AND MOTION IN LIMINE to Preclude defendants Tyco Health Care Corp Group, L.P. and Malinkrodt, Inc. from presenting any evidence or argument suggesting that othe causes resulted in Masimo's the

		antitrust injuries and damages that Masimo already established were the result of Tyco's unlawful sole source contracts and market share discount contracts filed by plaintiff Masimo Corporation. Motion set for hearing on 10/5/2006 at 11:00 AM before Judge Mariana R. Pfaelzer. Lodged proposed order. (bp,) (Entered: 09/26/2006)
09/22/2006	435	NOTICE OF MOTION AND MOTION IN LIMINE to Preclude relitigation of issues determined at the prior trial filed by plaintiff Masimo Corporation. Motion set for hearing on 10/5/2006 at 11:00 AM before Judge Mariana R. Pfaelzer. (bp,) (Entered: 09/26/2006)
09/22/2006	436	PRELIMINARY RESPONSE to plaintiff's bench brief and request for conference re jury instruction relating to prior trial filed by Defendants Tyco Health Care Group L.P., Mallinckrodt Incorporated (bp,) (Entered: 09/26/2006)
09/25/2006	437	PROPOSED JURY INSTRUCTIONS filed by plaintiff Masimo Corporation.. (bp,) (Entered: 09/27/2006)
09/25/2006	438	PROPOSED PRELIMINARY JURY INSTRUCTIONS filed by plaintiff Masimo Corporation.. (bp,) (Entered: 09/27/2006)
09/25/2006	439	PROPOSED GENERAL JURY VERDICT filed by plaintiff Masimo Corporation. (bp,) (Entered: 09/27/2006)
09/25/2006	440	PROPOSED PRELIMINARY JURY INSTRUCTIONS filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated.. (bp,) (Entered: 09/27/2006)
09/25/2006	441	PROPOSED JURY INSTRUCTIONS filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated.. (bp,) (Entered: 09/27/2006)
09/25/2006	442	NOTICE OF CORRECTED FILING OF MEMORANDUM IN SUPPORT OF MOTION IN LIMINE #4 to Exclude evidence and argument re punitive damages 429 filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 09/28/2006)
09/26/2006	443	MINUTES: Order to pre-screen jurors. With the agreement of counsel, prospective jurors in the above-entitled action will be pre-screened to sit on a 10-day trial beginning 10/10/06. Judge Mariana R. Pfaelzer :Court Reporter: Not present. (bp,) (Entered: 09/29/2006)
09/26/2006	448	RECEIPT OF REPORTERS TRANSCRIPT of proceedings for the following dates: 6/1/06 Court Reporter: Rosalyn Adams (car,) (Entered: 10/02/2006)

09/26/2006	449	TRANSCRIPT filed for proceedings held on 6/1/06. Court Reporter: Rosalyn Adams. (car,) (Entered: 10/02/2006)
09/29/2006	444	MEMORANDUM in Opposition to MOTION IN LIMINE #3 to Exclude evidence of anticompetitive intent 427 filed by plaintiff Masimo Corporation. (bp,) (Entered: 10/02/2006)
09/29/2006	445	MEMORANDUM in Opposition to MOTION IN LIMINE #4 to Exclude evidence and argument re punitive damages 429 filed by plaintiff Masimo Corporation. (bp,) (Entered: 10/02/2006)
09/29/2006	446	MEMORANDUM in Opposition to MOTION IN LIMINE #5 to Exclude references to Dr. Ordoover's prior damages testimony 431 filed by plaintiff Masimo Corporation. (bp,) (Entered: 10/02/2006)
09/29/2006	447	DECLARATION of Jeffrey Leitzinger filed by Plaintiff Masimo Corporation. (bp,) (Entered: 10/02/2006)
09/29/2006	462	OPPOSITION to MOTION IN LIMINE #1 to Exclude Jeffrey Mackie-Mason's report and testimony 423 filed by plaintiff Masimo Corporation. (bp,) (Entered: 10/03/2006)
09/29/2006	463	OPPOSITION to MOTION IN LIMINE #2 to Exclude Einer Elhauge's report and testimony 425 filed by plaintiff Masimo Corporation. (bp,) (Entered: 10/03/2006)
09/29/2006	464	DECLARATION of Dr. Jeffrey Mackie-Mason in opposition to MOTION IN LIMINE #1 to Exclude Jeffrey Mackie-Mason's report and testimony 423 filed by plaintiff Masimo Corporation. (bp,) (Entered: 10/03/2006)
09/29/2006	466	RESPONSE to MOTION IN LIMINE to Preclude relitigation of issues determined at the prior trial 435 , MOTION IN LIMINE to Preclude defendants Tyco Health Care Corp Group, L.P. and Malinkrodt, Inc. from presenting any evidence or argument suggesting that othe causes resulted in Masimo's the antitrust injuries and damages that Masimo already establi 434 filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 10/03/2006)
10/02/2006	450	CONSOLIDATED REPLY MEMORANDUM IN SUPPORT OF MOTION IN LIMINE to Preclude relitigation of issues determined at the prior trial 435 filed by plaintiff Masimo Corporation. (bp,) (Entered: 10/03/2006)
10/02/2006	451	OBJECTIONS to defendants exhibits filed by Plaintiff Masimo Corporation. (bp,) (Entered: 10/03/2006)

10/02/2006	452	PROOF OF SERVICE filed by plaintiff Masimo Corporation, Memorandum in opposition to defendants' motion in limine no.1 to exclude Dr. Jeffrey Mackie-Masons was served on 10/2/06. (bp,) (Entered: 10/03/2006)
10/02/2006	453	REPLY IN SUPPORT OF MOTION IN LIMINE #1 to Exclude Jeffrey Mackie-Mason's report and testimony 423 filed by defendants Masimo Corporation, Tyco Health Care Group L.P.. (bp,) (Entered: 10/03/2006)
10/02/2006	454	REPLY IN SUPPORT OF MOTION IN LIMINE #2 to Exclude Einer Elhauge's report and testimony 425 filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 10/03/2006)
10/02/2006	455	REPLY IN SUPPORT OF MOTION IN LIMINE #3 to Exclude evidence of anticompetitive intent 427 filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 10/03/2006)
10/02/2006	456	REPLY IN SUPPORT OF MOTION IN LIMINE #4 to Exclude evidence and argument re punitive damages 429 filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 10/03/2006)
10/02/2006	457	REPLY IN SUPPORT OF MOTION IN LIMINE #5 to Exclude references to Dr. Ordovery's prior damages testimony 431 filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 10/03/2006)
10/02/2006	458	PROOF OF SERVICE filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated, re Reply (Motion related) 453 , Reply (Motion related) 457 , Reply (Motion related) 456 , Reply (Motion related) 455 , Reply (Motion related) 454 , was served on 10/2/06. (bp,) (Entered: 10/03/2006)
10/02/2006	459	OBJECTIONS to Jury Instructions (Proposed) 438 filed by Defendants Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 10/03/2006)
10/02/2006	460	REVISED PROPOSED JURY INSTRUCTIONS No.17 filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated.. (bp,) (Entered: 10/03/2006)
10/02/2006	461	PROPOSED VERDICT FORM filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 10/03/2006)
10/02/2006	465	NOTICE OF DOCUMENT DISCREPANCIES AND ORDER by

		Judge Mariana R. Pfaelzer ORDERING memorandum; opposition submitted by Plaintiff Masimo Corporation received on 9/29/06 to be filed and processed; filed date to be the date the document was stamped Received but not Filed with the Clerk.(bp,) (Entered: 10/03/2006)
10/03/2006	467	NOTICE of Change of Attorney Information: changing firm name to Cooley Godward Kronish LLP for attorney James J Donato, Stephen C Neal, Neil J Stephens, John Francis Young and Linda A F Callison. Filed by defendants Tyco Health Care Group L.P., Mallinckrodt Incorporated (bb,) (Entered: 10/04/2006)
10/04/2006	468	NOTICE OF MOTION AND MOTION IN LIMINE to Exclude exclude the report and testimony of Dr. Janusz A. Ordover and compel production of materials considered by Dr. Ordover filed by plaintiff Masimo Corporation. Motion set for hearing on 10/5/2006 at 11:00 AM before Judge Mariana R. Pfaelzer. Lodged proposed order.(bp,) (Entered: 10/05/2006)
10/04/2006	469	DECLARATION of Dr. Jeffrey Mackie-Mason in support of MOTION IN LIMINE to Exclude exclude the report and testimony of Dr. Janusz A. Ordover and compel production of materials considered by Dr. Ordover 468 filed by plaintiff Masimo Corporation. (bp,) (Entered: 10/05/2006)
10/04/2006	470	REVISED PROPOSED JURY INSTRUCTION NO.4, revised proposed final jury instruction no.10, and new proposed preliminary jury instruction no.8 filed by plaintiff Masimo Corporation.. (bp,) (Entered: 10/05/2006)
10/04/2006	471	REPLY Memorandum in support of its proposed jury instructions and general verdict form filed by Plaintiff Masimo Corporation to Jury Instructions (Proposed) 470 (bp,) (Entered: 10/05/2006)
10/05/2006	491	MINUTES: Pretrial Conference; Plaintiff's motion as follows: To exclude the report and testimony of Dr. Janusz A. Ordover and compel production of materials considered by Dr. Ordover; Plaintiff's request for conference regarding jury instruction relating to prior trial; Plaintiff's motion in limine to preclude relitigation of issues determine at the prior trial; Plaintiff's motion inlimine regarding any claim or argument that other causes resulted in Masimo's antitrust injuries; Defendant Tyco Health Group LF and Mallinckrodt. Inc's motions in limine; To exclude Jeffrey Mackie-Mason's report and testimony; To exclude Einer Elhauge's report and

		testimony; To exclude evidence of anticompetitive intent; To exclude evidence and argument re punitive damages; To exclude references to Dr. Ordover's prior damages testimony. The pretrial conference is held. The parties advise the court that they have agreed to waive the jury and proceed with a 2-day court trial. The parties request that the trial be continued to Tuesday, 10/17/06 at 11:00 a.m. The court grants the continuance of the trial. Judge Mariana R. Pfaelzer : .Court Reporter: Mark Schweitzer. (see document for details) (bp,) (Entered: 10/30/2006)
10/06/2006		PLACED IN FILE - NOT USED re proposed stipulation re: prior motions in limine and additional stipulations for trial submitted by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 10/10/2006)
10/10/2006	472	NOTICE of summary evidence regarding market share-based compliance pricing contracts with Novation Hospitals filed by plaintiff Masimo Corporation. (bp,) (Entered: 10/17/2006)
10/10/2006	473	DECLARATION of Dr. Jeffrey Mackie-Mason in support of summary of evidence regarding contracts with Novation Hospitals re Notice (Other) 472 filed by Plaintiff Masimo Corporation. (bp,) (Entered: 10/17/2006)
10/10/2006	474	APPENDIX to Masimo's summary of evidence regarding Market-Share discount contracts with Novation Hospitals filed by Plaintiff Masimo Corporation. Re: Notice (Other) 472 Vol. 1 of 3 (bp,) (Entered: 10/17/2006)
10/10/2006	475	APPENDIX to Masimo's summary of evidence regarding Market-Share Discount Contracts with Novation Hospitals filed by Plaintiff Masimo Corporation. Re: Notice (Other) 472 (bp,) (Entered: 10/17/2006)
10/10/2006	476	APPENDIX to Masimo's summary of evidence regarding Market-Share Discount contracts with Novation Hospitals filed by Plaintiff Masimo Corporation. Re: Notice (Other) 472 (bp,) (Entered: 10/17/2006)
10/13/2006	477	OBJECTIONS to Masimo's summary of evidence regarding Market Share-Based Compliance Pricing Contracts with Novation Hospitals 472 filed by Defendants Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 10/17/2006)
10/16/2006	478	MEMORANDUM Re: defendants' submission of the damages report of Dr. Janusz A. Ordover filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,)

		(Entered: 10/17/2006)
10/16/2006	479	APPENDIX to plaintiff Masimo Corporation's supplemental submission of citations regarding Market Share compliance contracts with Novation Hospitals and reply to defendant Tyco's opposition filed by Plaintiff Masimo Corporation. (bp,) (Entered: 10/17/2006)
10/16/2006	482	TRIAL BRIEF and offer of proof regarding damages filed by plaintiff Masimo Corporation.. (bp,) (Entered: 10/18/2006)
10/16/2006	483	NOTICE of supplemental submission of citations regarding Market Share compliance contracts with Novation Hospitals and reply to defendant Tyco's opposition filed by plaintiff Masimo Corporation. (bp,) (Entered: 10/18/2006)
10/16/2006	484	NOTICE of designation of professor Januz Ordover filed by plaintiff Masimo Corporation. (bp,) (Entered: 10/18/2006)
10/17/2006	480	APPENDIX to plaintiff Masimo Corporation's trial brief and offer of proof regarding damages filed by Plaintiff Masimo Corporation. VOL 1 of 2 (bp,) (Entered: 10/17/2006)
10/17/2006	481	APPENDIX to plaintiff Masimo Corporation's trial brief and offer of proof regarding damages filed by Plaintiff Masimo Corporation. VOL 2 of 2 (bp,) (Entered: 10/17/2006)
10/17/2006	485	STIPULATION AND ORDER that Masimo's motion in limine to exclude the report and testimony of Dr. Ordover and compel production of material considered by Dr. ordover is withdrawn in its entirety, without prejudice to Masimo's right to renew any of its agruments, or make additional arguments, regarding the admissibility, credibility, reliability of any testimony or opinions that professor ordover has previously provided in this case or may provide in any additional reports or deposition or trial testimony by Judge Mariana R. Pfaelzer : (bp,) (Entered: 10/18/2006)
10/18/2006	486	Witness List filed by plaintiff Masimo Corporation.. (bp,) (Entered: 10/20/2006)
10/18/2006	487	NOTICE of lodging of deposition transrcpt filed by plaintiff Masimo Corporation. (bp,) (Entered: 10/24/2006)
10/18/2006	492	MINUTES OF COURT TRIAL (1 Day) held before Judge Mariana R. Pfaelzer. Witnesses called, sworn and testified. Exhibits identified and admitted. Bench Trial continued to 10/19/2006 09: 30 AM before Judge Mariana R. Pfaelzer.Court Reporter: Theresa Lanza/Leslie King. (bp,) (Entered: 10/31/2006)

10/19/2006	493	MINUTES OF Court Trial (2nd Day) held and completed before Judge Mariana R. Pfaelzer. Opening statements made. Witnesses called, sworn and testified., Set Deadlines/Hearings: Telephone Conference set for 10/25/2006 12:00 PM before Judge Mariana R. Pfaelzer.Court Reporter: Theresa Lanza/Leslie King. (bp,) (Entered: 10/31/2006)
10/25/2006	488	RECEIPT OF REPORTERS TRANSCRIPT of proceedings for the following dates: 10/18/06, Vol I and 10/19/06 page 1-64 and 85 to 192 Court Reporter: Leslie King (et) (Entered: 10/28/2006)
10/25/2006	489	TRANSCRIPT filed for proceedings held on 10/18/06. Court Reporter: Leslie A. King. (et) (Entered: 10/28/2006)
10/25/2006	490	TRANSCRIPT filed for proceedings held on 10/19/06. Court Reporter: Leslie A. King. (et) (Entered: 10/28/2006)
10/25/2006	494	MINUTES OF Telephone Conference held before Judge Mariana R. Pfaelzer : The parties will submit competing sets of proposed findings of fact and conclusion of law addressing what was presented at trial, along with a separate brief in support of the findings not exceed 15 pages in length.Court Reporter: Leslie King. (bp,) (Entered: 11/02/2006)
11/06/2006	495	MEMORANDUM of Points and Authorities in Support of proposed findings of fact and conclusions of law filed by plaintiff Masimo Corporation. (bp,) (Entered: 11/07/2006)
11/06/2006	496	APPENDIX to plaintiff Masimo Corporation's proposed findings of fact and conclusions of law filed by Plaintiff Masimo Corporation. Re: Memorandum of Points and Authorities in Support (non-motion) 495 Volume 1 of 2 (bp,) (Entered: 11/07/2006)
11/06/2006	497	APPENDIX to plaintiff Masimo Corporation's proposed findings of fact and conclusions of law filed by Plaintiff Masimo Corporation. Re: Memorandum of Points and Authorities in Support (non-motion) 495 , Appendix 496 (bp,) (Entered: 11/07/2006)
11/07/2006		PLACED IN FILE - NOT USED re Stipulation and (Proposed) Order re Damages Post-Trial Briefing submitted by Defendants Tyco Health Care Group L.P., Mallinckrodt Incorporated. (shb,) (Entered: 11/08/2006)
11/07/2006	498	AMENDED STIPULATION AND ORDER REGARDING DAMAGES POST-TRIAL BRIEFING: The parties propose to amend the

		schedule to account for Masimo filing and service of its opening papers on 11/6/2006, rather than 11/3/2006, as previously proposed to the Court. 1) Masimo will file proposed findings of fact and conclusions of law, and a separate brief not to exceed 15 pages, on 11/6/2006. 2) Tyco Healthcare will file its response to Masimo proposed findings of fact and conclusions of law, along with its proposed findings of fact and conclusions of law, and submit a separate brief not to exceed 15 pages, on 11/30/2006. 3) Masimo will file a reply brief on 12/8/2006. 4) The parties may cite trial testimony and exhibits admitted at either trial. IT IS SO ORDERED by Judge Mariana R. Pfaelzer. (jp) (Entered: 11/08/2006)
11/09/2006	499	RECEIPT OF REPORTERS TRANSCRIPT of proceedings for the following dates: 10/19/06, Court Reporter: Leslie King and Theresa Lanza; 10/25/06 Court Reporter: Leslie King. (et) (Entered: 11/13/2006)
11/09/2006	500	TRANSCRIPT filed for proceedings held on 10/19/06. Court Reporter: Leslie A. King. (et) (Entered: 11/13/2006)
11/09/2006	501	TRANSCRIPT filed for proceedings held on 10/25/06. Court Reporter: Leslie A. King. (et) (Entered: 11/13/2006)
11/14/2006	502	RECEIPT OF REPORTERS TRANSCRIPT of proceedings for the following dates: 10/18/06 Court Reporter: Theresa Lanza (bp,) (Entered: 11/21/2006)
11/14/2006	503	TRANSCRIPT filed for proceedings held on 10/18/06. Court Reporter: Theresa A. Lanza. (bp,) (Entered: 11/21/2006)
11/28/2006	504	RECEIPT OF REPORTERS TRANSCRIPT of proceedings for the following dates: 10/5/06 Court Reporter: Mark Schweitzer (car,) (Entered: 11/29/2006)
11/28/2006	505	TRANSCRIPT filed for proceedings held on 10/5/06. Court Reporter: Mark Schweitzer. (car,) (Entered: 11/29/2006)
11/30/2006	506	OBJECTIONS to plaintiff's [proposed] findings of fact and conclusions of law filed by Defendants Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 12/01/2006)
11/30/2006	507	DECLARATION of Craig Huckelbridge in support of (1) defendants' proposed findings of fact and conclusions of law; (2) defendants' memorandum in support of proposed findings of fact and conclusions of law; and (3) defendant's objections to plaintiff's proposed findings of fact and

		conclusions of law re Objections - non-motion 506 filed by Defendants Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 12/01/2006)
11/30/2006	508	DECLARATION of Craig Huckelbridge in support of Objections - non-motion 506 filed by Defendants Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 12/01/2006)
11/30/2006	509	MEMORANDUM in support of [proposed] findings of fact and conclusions of law filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 12/01/2006)
11/30/2006	510	PROOF OF SERVICE filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated, re Memorandum of Points and Authorities in Support (non-motion) 509 , Declaration (non-motion), Declaration (non-motion) 507 , Declaration (non-motion) 508 , Objections - non-motion 506 , was served on 11/30/06. (bp,) (Entered: 12/01/2006)
12/08/2006	511	REPLY Memorandum in support of proposed findings of fact and conclusions of law filed by Plaintiff Masimo Corporation (bp,) (Entered: 12/18/2006)
12/08/2006	512	OBJECTIONS to defendants' proposed findings of fact and conclusions of law filed by Plaintiff Masimo Corporation. (bp,) (Entered: 12/18/2006)
01/25/2007	513	MINUTES OF IN CHAMBERS ORDER held before Judge Mariana R. Pfaelzer : Order of Court. The court has decided to conduct a brief additional hearing at which the parties' experts will address the question of the amount of damages, if any, which should be awarded Masimo for consumable sales it would have made on account of socket slaes made before July 2001. No other issues will be considered. The parties are asked to set a telephone conference with the court to set such a hearing.Court Reporter: Not reported. (bp,) (Entered: 01/26/2007)
02/05/2007	514	MINUTES OF IN CHAMBERS ORDER held before Judge Mariana R. Pfaelzer : The court hereby schedules a telephonic conference for Tuesday, 2/13/07 at 11:00 a.m. to address the question of amount of damages, if any, which should be awarded to Masimo for consumable sales it would have made on account of socket sales made before July, 2001. Court Reporter: Not present. (bp,) (Entered: 02/07/2007)

02/13/2007	515	MINUTES OF Telephone Conference held before Judge Mariana R. Pfaelzer : The court and counsel confer regarding setting the hearing on the question of amount of damages, if any, which should be awarded to Masimo for consumable sales it would have made an account of socket sales made before July 2001. The parties shall submit a proposed stipulation and order setting forth an agreed upon hearing date.Court Reporter: Mark Schweitzer. (bp,) (Entered: 02/15/2007)
02/26/2007	516	STIPULATION AND ORDER by Judge Mariana R. Pfaelzer : Service of Masimo's supplemental expert report 3/7/07; Service of Tyco's supplemental expert report 3/19/07; further trial in accordance with the court's 1/25/07 ord 3/22/07, at 10:00 a.m. before Judge Mariana R. Pfaelzer. (bp,) (Entered: 02/27/2007)
03/06/2007	518	MEMORANDUM of Points and Authorities regarding damages issues raised 3/22/07 evidentiary hearing filed by plaintiff Masimo Corporation. (bp,) (Entered: 04/10/2007)
03/22/2007	517	MINUTES OF Evidentiary Hearing held before Judge Mariana R. Pfaelzer: The plaintiff calls witness Dr Jeffrey Mackie-Mason. Dr. Mackie-Mason is sworn in and testifies. The defendant call witness Dr Janusz Ordover. Dr. Ordover is sworn in and testifies. The parties shall file simultaneous briefs on or before 4/6/2007, not to exceed 15 pages in length addressing the following: In light of the jury verdict with respect to July 2001, is Masimo entitled to any dollars attributable to sensor sales after July 2001. If so, how much? The matter is submitted. Court Reporter: Mark Schweitzer. (pcl,) (Entered: 03/30/2007)
04/06/2007	519	APPENDIX filed by Plaintiff Masimo Corporation. Re: Memorandum of Points and Authorities in Support (non-motion) 518 (bp,) (Entered: 04/10/2007)
04/06/2007	520	SEALED DOCUMENT-APPENDIX to plaintiff Masimo Corporation's Memorandum of Points and Authorities regarding damages issues raised at 3/22/07 evidentiary hearing (bp,) (Entered: 04/10/2007)
04/06/2007	521	POST-TRIAL MEMORANDUM re: 3/22/07 hearing filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 04/10/2007)
04/06/2007	522	DECLARATION of Craig Hucklebridge in support of Tyco Healthcare's post-trial memorandum re: 3/22/07 hearing

		filed by Defendants Tyco Health Care Group L.P., Mallinckrodt Incorporated. (bp,) (Entered: 04/10/2007)
04/06/2007	523	PROOF OF SERVICE filed by defendants' Tyco Health Care Group L.P., Mallinckrodt Incorporated, re Declaration (non-motion) 522 , Memorandum of Points and Authorities in Support (non-motion) 521 , Appendix 520 , Appendix 519 , was served on 3/22/07. (bp,) (Entered: 04/10/2007)
04/09/2007	524	NOTICE OF MOTION AND MOTION for Order for to accept proffered evidence of pre-July 2001 damages or, alternatively, set aside the verdict to the extent it is construed to preclude that evidence filed by plaintiff Masimo Corporation. Motion set for hearing on 5/7/2007 at 10:00 AM before Judge Mariana R. Pfaelzer. Lodged proposed order. (bp,) (Entered: 04/10/2007)
04/09/2007	525	MEMORANDUM of Points and Authorities in Support of MOTION for Order for to accept proffered evidence of pre-July 2001 damages or, alternatively, set aside the verdict to the extent it is construed to preclude that evidence MOTION to Set Aside Verdict MOTION to Set Aside Verdict 524 filed by plaintiff Masimo Corporation. (bp,) (Entered: 04/10/2007)
04/09/2007	526	APPENDIX TO MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION for Order for to accept proffered evidence of pre-July 2001 damages or, alternatively, set aside the verdict to the extent it is construed to preclude that evidence MOTION to Set Aside Verdict MOTION to Set Aside Verdict 524 filed by plaintiff Masimo Corporation. (bp,) (Entered: 04/10/2007)
04/19/2007	527	STIPULATION AND ORDER by Judge Mariana R. Pfaelzer : , Set Deadlines as to MOTION for Order for to accept proffered evidence of pre-July 2001 damages or, alternatively, set aside the verdict to the extent it is construed to preclude that evidence MOTION to Set Aside Verdict MOTION to Set Aside Verdict 524 . Responses due by 4/27/2007 Replies due by 5/11/2007. Oral argument shall not be heard on this motion Judge Mariana R. Pfaelzer.(bp,) Modified on 4/24/2007 (bp,). (Entered: 04/20/2007)
04/27/2007	528	OPPOSITION to Masimo's MOTION for Order for to accept proffered evidence of pre-July 2001 damages or, alternatively, set aside the verdict to the extent it is construed to preclude that evidence MOTION to Set Aside Verdict MOTION to Set Aside Verdict 524 filed by defendants

		Tyco Health Care Group L.P., Mallinckrodt Incorporated. (pj,) (Entered: 05/17/2007)
04/27/2007	529	DECLARATION of CRAIG HUCKELBRIDGE IN SUPPORT OF OPPOSITION TO MASIMO'S re MOTION for Order for to accept proffered evidence of pre-July 2001 damages or, alternatively, set aside the verdict to the extent it is construed to preclude that evidence MOTION to Set Aside Verdict MOTION to Set Aside Verdict 524 filed by defendants Tyco Health Care Group L.P., Mallinckrodt Incorporated. (pj,) (Entered: 05/17/2007)
05/11/2007	530	REPLY MEMORANDUM IN SUPPORT OF MOTION for Order for to accept proffered evidence of pre-July 2001 damages or, alternatively, set aside the verdict to the extent it is construed to preclude that evidence MOTION to Set Aside Verdict MOTION to Set Aside Verdict 524 filed by plaintiff Masimo Corporation. (bp,) (Entered: 05/24/2007)
05/21/2007	531	TRANSCRIPT filed for proceedings held on 03/22/2007. Court Reporter: Mark Schweitzer. (ry,) (Entered: 05/25/2007)
06/06/2007	532	MEMORANDUM OF DECISION on damages and plaintiff Masimo Corporation's motion to accept proffered evidence or set aside the verdict. Masimo's contracts-based damages theory may hold some superficial appeal, but it is not supported by the evidence Masimo presented at trial. The court must be attentive to what the jury did based on the facts and argument Masimo presented. For the foregoing reasons, the court awards Masimo damages in the amount of \$14.5 million, of which \$7.2 million are Masimo's lost profits on socket and sensor sales between April 1998 and July 2001, and the remaining \$7.3 million are damages incurred after July 2001 on foregone consumable sales attributed to sockets lost before 2001. Defendants Tyco Health Care Group, L.P. and Malinckrodt, Inc., are ORDERED to pay damages to plaintiff Masimo Corporation in the amount of \$14.5 million. Plaintiff Masimo Corporation's motion to accept proffered evidence of pre-July 2001 damages is DENIED by Judge Mariana R. Pfaelzer (bp) (Entered: 06/07/2007)
06/20/2007	534	MINUTES OF IN CHAMBERS ORDER held before Judge Mariana R. Pfaelzer : The court hereby schedules a telephonic status conference in the above-entitled action for Friday, 6/22/07 at 11:30 a.m.(bp) (Entered: 06/25/2007)

06/21/2007	539	NOTICE OF LODGING Proposed Form of Judgment and Objection to Masimo's Proposed Form of Judgment, filed by Defendant Tyco Health Care Group L.P., Mallinckrodt Incorporated. (yca) (Entered: 07/06/2007)
06/21/2007	540	NOTICE OF LODGING Proposed Form of Judgment, filed by Plaintiff Masimo Corporation. (yca) (Entered: 07/09/2007)
06/21/2007	541	MEMORANDUM in Support PROPOSED Form of Judgment 540 , filed by Plaintiff Masimo Corporation. (yca) (Entered: 07/09/2007)
06/21/2007	542	MEMORANDUM pursuant to Local Rule 58-7 Regarding SETTLEMENT of Interest, filed by Plaintiff Masimo Corporation. (yca) (Entered: 07/09/2007)
06/22/2007	533	MINUTES OF Telephone Status Conference held before Judge Mariana R. Pfaelzer : Plaintiff and defendant have submitted separate judgments for the court's consideration. The court indicates it will review the proposed judgments. Further, there will be no additional filings in this action as it relates to the proposed judgments.Court Reporter: Miriam Baird.(bp) (Entered: 06/25/2007)
06/25/2007	546	Local Rule 58-7 Settlement of Interest, filed by Defendants Tyco Health Care Group L.P., Mallinckrodt Incorporated (yca) (Entered: 07/12/2007)
06/29/2007	535	JUDGMENT: IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows: That, for the reasons stated in the court's memorandum of decision on damages and plaintiff Masimo Corporation's motion to accept proffered evidence or set aside the verdict, filed on 6/6/07, the court's memorandum of decision re: Post-Trial motions, filed on 3/22/06, and the court's minute order, filed on 1/25/07, judgment be entered in favor of plaintiff Masimo Corporation in the amount of \$14,500,000,pursuant to 15 U.S.C.15(a). Plaintiff Masimo Corporation's demand for a permanent injunction is denied for the reasons state in the court's memorandumof decision re: post-trial motions, filedon 3/22/06. Notwithstanding the entry of this judgment, the court hereby retains continuing jurisdiction to determine the amount of attorneys' fees and costs, if any, to be awarded to plaintiff Masimo Corporation by Judge Mariana R. Pfaelzer, in favor of Masimo Corporation against Mallinckrodt Incorporated (MD JS-6, Case Terminated).(bp) (Entered: 07/02/2007)

07/02/2007	537	NOTICE OF APPEAL TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT filed by Plaintiff Masimo Corporation. Appeal of Judgment, 535 Filed On: 6/29/07; Entered On: 7/2/07; Filing fee \$455, Paid; receipt number 97562. cc: Stephen E. Morrissey; John F. Young, James Donato. (car) Modified on 7/5/2007 (car,). (Entered: 07/05/2007)
07/02/2007	538	REPRESENTATION STATEMENT re Appeal to 9th Circuit Court of Appeals, 537 . (car) (Entered: 07/05/2007)
07/02/2007		Civil Appeals Docketing Statement received from Plaintiff Masimo Corporation forwarded to 9th CCA. RE: Appeal to 9th Circuit Court of Appeals, 537 (car) (Entered: 07/05/2007)
07/03/2007	536	NOTICE OF APPEAL/REPRESENTATION STATEMENT to 9th CCA filed by Defendants Tyco Health Care Group L.P., Mallinckrodt Incorporated. Appeal of Judgment, 535 Filed On: 6/29/07; Entered On: 7/2/07; Filing fee \$455, Paid; receipt number 97550. cc: James Donato; Marc M. Seltzer. (car) (Entered: 07/03/2007)
07/03/2007		Civil Appeals Docketing Statement received from Defendants Tyco Health Care Group L.P., Mallinckrodt Incorporated forwarded to 9th CCA. RE: Appeal to 9th Circuit Court of Appeals, 536 (car) (Entered: 07/03/2007)
07/03/2007		Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re: Appeal to 9th Circuit Court of Appeals, 536 (car) (Entered: 07/03/2007)
07/05/2007		Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re: Appeal to 9th Circuit Court of Appeals, 537 (car) (Entered: 07/05/2007)
07/09/2007	543	TRANSCRIPT filed for proceedings held on 6/22/07, re: Telephonic Conference. Court Reporter: Miriam V. Baird. (ml) (Entered: 07/10/2007)
07/10/2007	544	STIPULATION AND ORDER RE BRIEFING SCHEDULE FOR ATTORNEYS' FEES AND COSTS by Judge Mariana R. Pfaelzer: In the event Plaintiff Masimo Corporation and Defendants Tyco Healthcare Group LP and Mallinckrodt, Inc. are unable to reach agreement re Masimo's request for attorneys' fees and costs, the Court orders that: (1) Masimo will file its brief on or before 9/7/2007; (2) Tyco Healthcare will file its opposition brief on or before 9/28/2007; (3) Masimo will file its reply brief on or before 10/8/2007. (gk) (Entered: 07/11/2007)

07/11/2007	545	NOTIFICATION by Circuit Court of Appellate Docket Number 07-55960, 9th CCA regarding Appeal to 9th Circuit Court of Appeals, 537 filed by Masimo Corporation. (car) (Entered: 07/11/2007)
07/19/2007	548	TRANSCRIPT DESIGNATION AND ORDERING FORM For Dates: 11/13/02; Court Reporter: William Stephen; For Dates: 8/16/04, 10/25/04; Court Reporter: Margaret Babykin; For Dates: 8/18/04; Court Reporter: David Salyer; For Dates: 8/20/04; Court Reporter: Bill Stevens; For Dates: 11/16/04; Court Reporter: Pat Cuneo; For Dates: 11/19/04; Court Reporter: Nancy Smith-Wells; For Dates: 2/11/05, 2/16/05, 2/22/05, 2/23/05, 2/24/05, 2/24/05, 2/25/05, 2/28/05, 3/01/05, 3/02/05, 3/03/05, 3/04/05, 3/07/05, 3/08/05, 3/09/05, 3/10/05, 3/11/05, 3/14/05, 3/15/05, 3/16/05, 3/17/05, 3/18/05, 3/21/05, 10/05/06, 2/13/07, 3/22/07; Court Reporter: Mark Schweitzer; For Dates: 4/14/05; Court Reporter: John Turman; For Dates: 4/21/05, 6/28/05; Court Reporter: Pamela Seijas; For Dates: 6/30/05; Court Reporter: Leni LeBlanc; For Dates: 7/05/05; Court Reporter: Maria Bustillos; For Dates: 1/06/06, 10/18/06, 10/19/06; Court Reporter: Theresa Lanza; For Dates: 4/07/06, 7/06/06; Court Reporter: Deborah Gackle; For Dates: 6/01/06; Court Reporter: Rosalyn Adams; For Dates: 10/18/06, 10/19/06, 10/25/06; Court Reporter: Leslie King; For Dates: 6/22/07; Court Reporter: Miriam Baird; Court of Appeals Case Number: 07-55960; Re: Appeal to 9th Circuit Court of Appeals, 537 (lr) (Entered: 07/27/2007)
07/20/2007	547	TRANSCRIPT filed for proceedings held on 2/13/07. Court Reporter: Mark Schweitzer. (ml) (Entered: 07/23/2007)
07/25/2007	550	TRANSCRIPT filed for proceedings held on 4/21/2005. Court Reporter: Pamela A. Seijas. (tad) (Entered: 07/31/2007)
07/31/2007	549	NOTIFICATION by Circuit Court of Appellate Docket Number 07-56017, 9th CCA regarding Appeal to 9th Circuit Court of Appeals, 536 filed by Tyco Health Care Group L.P., Mallinckrodt Incorporated. (dmap) (Entered: 07/31/2007)
08/14/2007	553	TRANSCRIPT filed for proceedings held on 1/6/06. Court Reporter: Theresa A. Lanza. (mo) (Entered: 09/07/2007)
08/17/2007	551	TRANSCRIPT filed for proceedings held on 11/19/2004. Court Reporter: Nancy Smith-Wells. (tad) (Entered: 08/20/2007)
09/05/2007	552	REVISED STIPULATION AND ORDER RE BRIEFING

		SCHEDULE for Attorney Fees and Costs; See document for details. No further extensions will be granted 544 (cs) (Entered: 09/05/2007)
09/21/2007	555	APPLICATION for Attorneys' Fees and Costs filed by Plaintiff Masimo Corporation. Lodged Proposed Order. (gk) (Entered: 10/07/2007)
09/21/2007	556	MEMORANDUM of Points and Authorities in Support of Application for Attorneys' Fees and Costs 555 filed by Plaintiff Masimo Corporation. (gk) (Entered: 10/07/2007)
09/21/2007	557	SEALED DOCUMENT - Declaration of Maxwell M. Blecher in Support of Plaintiff Masimo Corporation's Application for Attorneys' Fees and Costs. (gk) (Entered: 10/07/2007)
09/21/2007	558	SEALED DOCUMENT - Declaration of Stephen C. Jensen in Support of Plaintiff Masimo Corporation's Application for Attorneys' Fees and Costs. (gk) (Entered: 10/07/2007)
09/21/2007	559	SEALED DOCUMENT - Declaration of Marc M. Seltzer in Support of Plaintiff Masimo Corporation's Application for Attorneys' Fees and Costs. (gk) (Entered: 10/07/2007)
10/05/2007	554	STIPULATION AND ORDER by Judge Mariana R. Pfaelzer that the following declarations, which were filed on 9/21/2007, by Masimo Corporation in support of its application for an award of attorneys' fees and costs are ordered sealed because they include the following exhibits which consist of confidential attorney billing records: a) Exhibit B to the Declaration of Marc M. Seltzer (attorney billing records); b) Exhibit A to the Declaration of Stephen C. Jensen (attorney billing records); c) Exhibit B to the Declaration of Maxwell M. Blecher (attorney billing records). (gk) (Entered: 10/07/2007)
10/12/2007	565	SEALED DOCUMENT - OPPOSITION to APPLICATION for Attorney Fees and Costs 555 filed. (ad) (Entered: 10/30/2007)
10/16/2007	563	TRANSCRIPT filed for proceedings held on 8/20/04. Court Reporter: William S. Stephens. (mo) (Entered: 10/24/2007)
10/22/2007	561	TRANSCRIPT filed for proceedings held on 6/30/05. Court Reporter: Leonore A. LeBlanc. (ha) (Entered: 10/24/2007)
10/22/2007	562	TRANSCRIPT filed for proceedings held on 8/16/04. Court Reporter: Margaret J. Babykin. (mo) (Entered: 10/24/2007)
10/22/2007	564	TRANSCRIPT filed for proceedings held on 10/25/04. Court Reporter: Margaret J Babykin. (mo) (Entered: 10/24/2007)

10/22/2007	566	SEALED DOCUMENT - REPLY MEMORANDUM in support of APPLICATION for Attorney Fees and Costs 555 filed. (ad) (Entered: 10/30/2007)
10/22/2007	567	SEALED DOCUMENT - DECLARATION of Ryan C Kirkpatrick in support of APPLICATION for Attorney Fees and Costs 555 filed. (ad) (Entered: 10/30/2007)
10/23/2007	560	Minute Order - The Court sets this matter for hearing re: Attorneys' Fees and Costs, on Tuesday, October 30, 2007 at 11:00 a.m. Court Reporter: n/a.(cs) (Entered: 10/23/2007)
10/25/2007	569	TRANSCRIPT filed for proceedings held on 7/5/05 Court Reporter: Maria R. Bustillos. (ml) (Entered: 11/08/2007)
10/29/2007	571	TRANSCRIPT filed for proceedings held on 7/5/05 Court Reporter: Maria R. Bustillos. (mo) (Entered: 11/09/2007)
10/30/2007	570	MINUTES OF Motion Hearing held before Judge Mariana R. Pfaelzer: The Court and counsel discuss fees, costs and hourly rates. Application for Attorneys' Fees and Costs 555 is taken under submission and the Court's order will follow. Court Reporter: Rosalyn Adams. (gk) (Entered: 11/08/2007)
11/05/2007	568	ORDER GRANTING ATTORNEYS' FEES AND COSTS by Judge Mariana R. Pfaelzer: Upon Plaintiff's Application for Attorneys' Fees and Costs 555 , Masimo Corporation is awarded \$7,823,550.10 in attorneys' fees anc \$870,101.87 in costs pursuant to Section 4 of the Clayton Act. (gk) (Entered: 11/05/2007)
11/14/2007	572	CERTIFICATE OF RECORD Transmitted to USCA re Appeal to 9th Circuit Court of Appeals, 537 filed by Masimo Corporation, Appeal to 9th Circuit Court of Appeals, 536 filed by Tyco Health Care Group L.P., Mallinckrodt Incorporated ; Court of Appeals Case Number: 07-55960, 07-56017. (cbr) (Entered: 11/14/2007)
01/17/2008	573	ORDER from 9th CCA filed re: Appeal to 9th Circuit Court of Appeals, 537 filed by Masimo Corporation, Appeal to 9th Circuit Court of Appeals, 536 filed by Tyco Health Care Group L.P., Mallinckrodt Incorporated, CCA # 07-55960, 07-56017. Plaintiff Masimo Corporation's unopposed motion for an extension of time to file the third cross-appeal brief is granted. The third cross appeal brief is due May 19, 2008. The optional cross-appeal reply brief is due 14 days afer service of the third cross-appeal brief. Defendant's second cross-appeal brief remains due March 3, 2008. (cbr) (Entered: 01/24/2008)

04/02/2008	574	STIPULATION for Order Re Bond on Appeal filed by Defendants Tyco Health Care Group L.P., Mallinckrodt Incorporated. (Attachments: # 1 Proposed Order)(Donato, James) (Entered: 04/02/2008)
04/03/2008	575	ORDER RE STIPULATION RE BOND ON APPEAL 574 by Judge Mariana R. Pfaelzer: Defendants Tyco Healthcare Group LP and Mallinckrodt, Inc. will post bond in the amount of \$43.5 million in the manner required by Rule 65.1 of the Federal Rules of Civil Procedure, Local Rule 65, and the Local Rules of the Court. Plaintiff Masimo Corporation will not execute on the judgment pending appeal and any subsequent post-trial proceedings, absent a further order of the Court. By entering into these stipulations, neither party has waived any of their legal rights with respect to the ultimate judgment, if any, to be awarded in this action. (gk) (Entered: 04/06/2008)
04/23/2008	576	NOTICE of Manual Filing filed by Defendants Tyco Health Care Group L.P., Mallinckrodt Incorporated of Form of Bond on Appeal. (Donato, James) (Entered: 04/23/2008)
04/24/2008	577	APPEAL BOND in the amount of \$43,500,000.00 posted by Federal Insurance Company on behalf of Defendants Tyco Health Care Group L.P. and Mallinckrodt Incorporated, Bond Number 82141502. (gk) (Entered: 04/28/2008)
07/18/2008	578	ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals, 537 filed by Masimo Corporation, Notice of Appeal to 9th Circuit Court of Appeals, 536 filed by Tyco Health Care Group L.P., Mallinckrodt Incorporated, CCA # 07-55960, 07-56017. The court is in receipt of the Consumer Federation of America and the Medical Device Manufacturers Association's motion to file a supplemental amicus curiae brief in support of the plaintiff. Motion, any response thereto, and any further such request shall be referred to the merits panel for such treatment the panel deems appropriate. (cbr) (Entered: 07/21/2008)
08/22/2008	579	ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals, 537 filed by Masimo Corporation, Notice of Appeal to 9th Circuit Court of Appeals, 536 filed by Tyco Health Care Group L.P., Mallinckrodt Incorporated, CCA # 07-55960, 07-56017. This case is removed from the 10/21/08, Pasadena calendar and will be rescheduled on the next available calendar. Order received in this district on 8/22/08. (car) (Entered: 08/26/2008)
11/25/2009	580	NOTICE of Change of Attorney Information for attorney

		Heather Lynn Richardson counsel for Defendant Tyco Health Care Group L.P.. Adding Heather L. Richardson as attorney as counsel of record for Tyco Healthcare Group LP; Mallinckrodt, Inc. for the reason indicated in the G-06 Notice. Filed by Defendant Tyco Healthcare Group LP (Richardson, Heather) (Entered: 11/25/2009)
11/25/2009	581	First APPLICATION to the Clerk to Tax Costs against Plaintiff Masimo Corporation filed by Defendant Tyco Health Care Group L.P.. Application set for hearing on 12/10/2009 at 09:00 AM before Clerk of Court. (Attachments: # 1 Supplement Form CV-59, # 2 Declaration Declaration of H. Richardson)(Richardson, Heather) (Entered: 11/25/2009)
11/25/2009	582	NOTICE of Change of Attorney Information for attorney Heather Lynn Richardson counsel for Defendant Tyco Health Care Group L.P.. Adding Christopher D. Dusseault as attorney as counsel of record for Tyco Healthcare Group LP; Mallinckrodt, Inc. for the reason indicated in the G-06 Notice. Filed by Defendant Tyco Healthcare Group LP (Richardson, Heather) (Entered: 11/25/2009)
11/25/2009	583	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents. The following error(s) was found: Caption on document incomplete (case name and number omitted) RE: Notice of Change of Attorney Information (G-06), Notice of Change of Attorney Information (G-06) 580 . In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. (ak) (Entered: 11/30/2009)
11/25/2009	584	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents. The following error(s) was found: Document incomplete; case name and number omitted RE: Notice of Change of Attorney Information (G-06), Notice of Change of Attorney Information (G-06) 582 . In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. (ak) (Entered: 11/30/2009)
11/30/2009	585	NOTICE of Change of Attorney Information for attorney Heather Lynn Richardson counsel for Defendant Tyco Health Care Group L.P.. Adding Heather L. Richardson as attorney as counsel of record for Tyco Healthcare Gorup LP and Mallinckrodt, Inc. for the reason indicated in the G-06 Notice. Filed by Defendant Tyco Healthcare (Richardson, Heather) (Entered: 11/30/2009)

11/30/2009	586	NOTICE of Change of Attorney Information for attorney Christopher D Dusseault counsel for Defendant Tyco Health Care Group L.P.. Adding Christopher D. Dusseault as attorney as counsel of record for Tyco Healthcare Group LP and Mallinckrodt, Inc. for the reason indicated in the G-06 Notice. Filed by Defendant Tyco Healthcare (Dusseault, Christopher) (Entered: 11/30/2009)
12/01/2009	587	NOTICE of Change of Attorney Information for attorney Deborah Kay Croyle counsel for Plaintiff Masimo Corporation. Adding Deborah Croyle as attorney as counsel of record for Masimo Corporation for the reason indicated in the G-06 Notice. Filed by Plaintiff Masimo Corporation (Croyle, Deborah) (Entered: 12/01/2009)
12/01/2009	588	OBJECTIONS to First APPLICATION to the Clerk to Tax Costs against Plaintiff Masimo Corporation 581 filed by Plaintiff Masimo Corporation. (Croyle, Deborah) (Entered: 12/01/2009)
12/03/2009	589	ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals, 537 filed by Masimo Corporation, CCA # 07-55960. is Appellants' request for a fourteen day extension of time to file an opposition to Masimo Cororation's application for attorneys' fees and related expenses on appeal is GRANTED. The opposition is now due on December 21, 2009. (dmap) (Entered: 12/07/2009)
12/07/2009	590	RESPONSE filed by Defendants Tyco Health Care Group L.P., Mallinckrodt Incorporated to Objections - non-motion 588 <i>THG's Response To Objections To Application To The Clerk To Tax Costs</i> (Richardson, Heather) (Entered: 12/07/2009)
12/09/2009	591	OBJECTION Opposition re: First APPLICATION to the Clerk to Tax Costs against Plaintiff Masimo Corporation 581 <i>Addendum to Masimo's Objections to Application to the Clerk to Tax Costs</i> filed by Plaintiff Masimo Corporation. (Attachments: # 1 Declaration of Deborah K. Croyle In Support of Masimo's Objections to Application to the Court to Tax Costs, # 2 Exhibit 1 to Croyle Declaration, # 3 Exhibit 2 to Croyle Declaration, # 4 Exhibit 3 to Croyle Declaration, # 5 Exhibit 4 to Croyle Declaration, # 6 Exhibit 5 to Croyle Declaration, # 7 Exhibit 6 to Croyle Declaration)(Croyle, Deborah) (Entered: 12/09/2009)
12/09/2009	592	ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals, 537 filed by Masimo Corporation, Notice of Appeal to 9th Circuit Court of Appeals, 536 filed by Tyco

		Health Care Group L.P., Mallinckrodt Incorporated, CCA # 07-55960 and 07-56017. Masimo Corporation's motion to file declarations and exhibits under seal in support of its motion for attorneys' fees is DENIED. (dmap) (Entered: 12/11/2009)
12/23/2009	593	ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals, 536 filed by Tyco Health Care Group L.P., Mallinckrodt Incorporated, CCA # 07-55960, 07-56017. Masimo's unopposed motion for an extension of time within which to file a reply in support of its application for attorneys' fees and related expenses is GRANTED. Reply is due January 14, 2010. (dmap) (Entered: 12/29/2009)
12/28/2009	594	MANDATE of 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals, 537 , Notice of Appeal to 9th Circuit Court of Appeals, 536 , CCA # 07-55960, 07-56017. The Decision of the District Court is AFFIRMED. Mandate received in this district on 12/28/09. (lr) Modified on 12/30/2009 (lr). (Entered: 12/30/2009)
01/19/2010	595	ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals, 537 filed by Masimo Corporation, Notice of Appeal to 9th Circuit Court of Appeals, 536 filed by Tyco Health Care Group L.P., Mallinckrodt Incorporated, CCA # 07-55960, 07-56017. The Order Order received in this district on 1/19/10. Masimo Corporation's application for attorney's fees and related expenses is granted in part. Its application for other fees and expenses is denied (cbr) (Entered: 01/20/2010)
01/21/2010	596	BILL OF COSTS. Costs taxed in the amount of zero (-0-) dollars. 581 (rmo) (Entered: 01/22/2010)
02/12/2010	597	SATISFACTION OF JUDGMENT entered In favor of Masimo Corporation Against Mallinckrodt Incorporated <i>and Tyco Healthcare Group LP</i> filed by Defendant Tyco Health Care Group L.P.. (Dusseault, Christopher) (Entered: 02/12/2010)

