IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

TYCO HEALTHCARE GROUP LP and UNITED STATES SURGICAL CORPORATION,

Plaintiffs and Counterclaim-Defendants,

Civil Action No. 3:10 cv 0060 (JBA)

v.

ETHICON ENDO-SURGERY, INC.,

Defendant and Counterclaim-Plaintiff.

JOINT TIMELINE

Presiding Judge: **HON. JANET BOND ARTERTON**	**Plaintiff's Attorney(s):** **DLA PIPER**	**Defendant's Attorney(s):** **AKIN GUMP STRAUSS HAUER & FELD** **PATTERSON BELKNAP WEBB & TYLER**
Trial Date: **July 9, 2012**	**Court Reporter:** **SHARON MONTINI**	**Courtroom Deputy:** **BETTY TORDAY**

1993
UltraCision introduces LCS-10

Jan. 27, 1993
Application for Davison '055 Patent

Nov. 1995
Ethicon purchases UltraCision with 5mm prototype

Apr. 29, 1996
Dr. Gallagher performs test (porcine) of UltraCision Prototype

May 17, 1996
UltraCision Prototype drawing

July – Aug. 1996
Further tests (porcine) by Dr. Gallagher and Dr. McKellar using UltraCision Prototype

Sept. 1996
Test (porcine) by Dr. Amaral using UltraCision Prototype

Nov. 22, 1996
Ethicon Prototype drawing

Dec. 1996
Ethicon prototype cuts animal (porcine) tissue and wet chamois (sheepskin)

Jan. 8, 1997
Earliest alleged Tyco conception

Feb. 6, 1997
Dr. Amaral performs goat hysterectomy with Ethicon Prototype (videotaped)

Mar. 10, 1997
Earliest alleged Tyco reduction to practice

May – July 1997
Ethicon continues animal testing (porcine and goat)

May 1997
Tyco files for FDA approval

July 1997
Tyco receives FDA approval and introduces AutoSonix

July 10, 1997
UT 5.5 presentation

July 15, 1997
Ethicon decides to have brainstorming session July 17 to address potentially adding larger blade

July 17, 1997
Ethicon holds a brainstorming session to get ideas for clamp arm redesign to accommodate larger blade

July 21, 1997
Ethicon memo titled "LCS5 (UT5.5) Project Update"

July 29, 1997
Ethicon still considering clamp arm designs

July 31, 1997
Ethicon tests two-piece experimental .085" LCS-B5 blade

Aug. – Dec. 1997
Ethicon continues testing (porcine and goat) with .085" blade

Aug 14, 1997
Tyco files patent applications leading to the asserted ‘050, ‘286, and ‘544 patents

Aug 19, 1997
Ethicon creates four-pin prototypes

Aug. 22, 1997
Ethicon moves forward with four-pin design

Ethicon begins testing with four-pin prototypes

Ethicon tests model shop version of new clamp arm with oversized gussets

Aug 26, 1997
UT5.5 Weekly Report indicates Bishop is prototyping new gusset clamp arm drive mechanism and Tsonton is analyzing two clamp arm designs

Oct. 10, 1997
Ethicon files applications for’510 and ’873 patents

Dec. 1997
Ethicon performs goat hysterectomy for FDA submission

Jan. 9, 1998
Ethicon files for FDA approval

Jan 27, 1998
Wet Lab/In-Vivo Evaluation Summary spreadsheet (summarizing animal labs between April 1997 and December 1997)

Mar. 2, 1998
UT5.5 Historical Summary document

Apr. 9, 1998
FDA clears Ethicon LCS-5 for use

June 1998
LCS-5 performs human surgery

Aug. 1998
Ethicon commercially launches LCS-B5 and LCS-K5 (blunt and knife blade)

Oct. 1998
Tyco acquires ValleyLab and LigaSure line

1998-1999
President’s Quality Award Submission

2000
Tyco introduces AutoSonix trigger switch

Feb. 2000
Ethicon introduces LCS-C5 (curved blade)

Aug. 2001
Tyco introduces LigaSure Atlas

Oct. 2002
Tyco's '286 patent issues

Oct. /Nov. 2002
Ethicon becomes aware of the '286 patent

Late 2002
Ethicon determines that in response to the patents-in-suit it should either seek to acquire a license from Tyco, obtain an opinion of outside counsel of invalidity and/or non-infringement, or design around the rotation claims in the patents-in-suit.

First or Second Quarter 2003
Ethicon discusses Tyco patent issues with litigation counsel

Mar. 2003
Ethicon approaches Tyco to seek a license

July 2003
Tyco responds to Ethicon's inquiry by proposing cross-licensing framework

Aug. 6, 2003
Ethicon completes market research regarding redesigning products to avoid Tyco patented rotation feature

Sept. 2003
Ethicon counsel mistakenly issues product clearance memo for LCS-C5L product; product is not launched at that time

Dec. 2003
Tyco introduces LigaSure V

Jan. 2004
Tyco informs Ethicon that it is tabling license negotiations over ultrasonic patents

Feb. 2004
Tyco terminates license negotiations

Ethicon seeks out opinions of outside counsel

Apr. 1, 2004
Beginning of damages period

June 2004
Ethicon obtains written validity opinions and oral non-infringement opinions from outside counsel addressing the '050, '286 and '544 patents

June & July 2004
Ethicon introduces LCS-C5L, LCS-C5HA, and LCS-C1HA

Oct. 2004
Tyco files patent infringement action against Ethicon alleging infringement, including infringement of the '050, '286, and '544 patents

Mar. 2005
Ethicon introduces Harmonic ACE line

Oct. 2006
Ethicon introduces Harmonic WAVE

Oct. 8, 2007
Court issues Ruling On Motions For Summary Judgment

May 2008
Ethicon introduces Harmonic ACE-E

Oct. 2008
Ethicon acquires SurgRx and EnSeal line

Dec. 2008
Tyco acquires Sonicision line

2009
Tyco introduces New LigaSure 5

Jan. 14, 2010
Tyco files patent infringement action against Ethicon re-alleging infringement of previously accused products and asserting infringement of new Wave and ACE products

Feb. 4, 2011
Ethicon enters into stipulation that Court's summary judgment ruling is applicable to newly accused ACE products

Sept. 23, 2011
Court issues ruling denying Ethicon's motion for summary judgment of no willful infringement

NOTE: When only the year of an event is available, the event is listed before events that have an associated month. The timeline therefore may not represent the exact sequence of events.