UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

MEDTRONIC, INC.

Plaintiff,

v.

BOSTON SCIENTIFIC CORPORATION, GUIDANT CORPORATION, and MIROWSKI FAMILY VENTURES, L.L.C.,

Defendants.

Case No. 07-823-SLR

PLAINTIFF MEDTRONIC, INC.'S MOTION TO DISMISS MIROWSKI FAMILY VENTURES' COUNTERCLAIM OR, IN THE ALTERNATIVE TO SEVER AND TRANSFER COUNTERCLAIM TO THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF INDIANA

Plaintiff Medtronic, Inc. respectfully moves this Court to dismiss Defendant Mirowski Family Ventures' Counterclaim or, in the alternative, to sever and transfer the Counterclaim to the United States District Court for the Southern District of Indiana. The grounds for this Motion are fully set forth in the accompanying Opening Brief in Support.

Dated: May 12, 2008

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CERTIFICATE OF SERVICE

I, Arthur G. Connolly, III, hereby certify that on May 12, 2008, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF which will send notification of such filing to the registered attorneys of record that the document has been filed and is available for viewing and downloading.

I further certify that on May 12, 2008, the foregoing document was served on the following persons as indicated below:

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