

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SCIMED LIFE SYSTEMS, INC.;)
BOSTON SCIENTIFIC SCIMED,)
INC.; BOSTON SCIENTIFIC)
CORPORATION; and MEDINOL,)
LTD.)
)
Plaintiffs,)
)
v.) Civil Action No. 00-404-SLR
)
JOHNSON & JOHNSON;)
CORDIS CORPORATION; and)
JOHNSON & JOHNSON)
INTERVENTIONAL SYSTEMS, INC.,)
)
Defendants.)

MEMORANDUM ORDER

At Wilmington this 29th day of March, 2001, having heard argument in connection with plaintiff's motion for a preliminary injunction;

IT IS ORDERED that said motion (D.I. 4) is denied, for the reasons that follow:

1. The framework for analyzing a request for injunctive relief at the preliminary stages of litigation rests upon two fundamental principles: a preliminary injunction constitutes extraordinary relief and the grant or denial of such relief is within the discretion of the court. See generally, Bell & Howell Document Management Products co. v. Altek Systems,

132 F.3d 701, 704 (Fed. Cir. 1997). These underpinnings are not absolute, however, and the court's discretion "must be measured against the standards governing the issuance of an injunction." Hybritech Inc. v. Abbot Laboratories, 849 F.2d 1446, 1451 (Fed. Cir. 1988).

2. To obtain a preliminary injunction pursuant to 35 U.S.C. § 283, a party must demonstrate that: 1) it has a reasonable likelihood of success on the merits; 2) it would suffer irreparable harm if the injunction were not granted; 3) the balance of relative hardships tips in its favor; and 4) an injunction would not have a negative impact on the public interest. See id.

These factors, taken individually, are not dispositive; rather, the district court must weigh and measure each factor against the other factors and against the form and magnitude of the relief requested.

Id.

3. Having multiple patent cases on her docket relating to various stents manufactured by the same group of litigants, the court is not inclined to enter injunctive relief on a preliminary basis in this or any similar case, given the public's interest in a competitive medical device market, the interrelated issues among the cases, the fact that none of the manufacturers have respected their competitors' patents, and the fact that

licenses have been granted under various of these patents, i.e., there is no irreparable harm.

United States District Judge