

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ETHICON LLC, *et al.*,

Plaintiffs,

v.

INTUITIVE SURGICAL, INC., *et al.*,

Defendants.

C.A. No. 17-871-LPS-CJB

**PROPOSED ORDER INVALIDATING THE JANUARY 2018 CERTIFICATE OF
CORRECTION RELATING TO U.S. PATENT NO. 8,479,969**

At Wilmington this 11th day of February, 2019, having considered the parties' claim construction briefing and joint status report (D.I. 116, 119, 127, 130, 264) regarding the validity of the Certificate of Correction issued in January 2018 relating to U.S. Patent No. 8,479,969 replacing "distal" with "proximal" in Column 95, Line 59, in Claim 24 (the "Certificate of Correction"), and in light of the Court's analysis in its claim construction Memorandum Opinion (D.I. 254) and its February 4, 2019 Oral Order (D.I. 285), IT IS HEREBY ORDERED that the Certificate of Correction is INVALID.¹

Dated:



JUDGE, UNITED STATES DISTRICT COURT

¹ Ethicon has agreed to the form of this proposed order but has not waived its position that the Certificate of Correction is not invalid.