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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92046058
Party	Plaintiff MASIMO CORPORATION MASIMO CORPORATION ,
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Masimo Corporation, Petitioner, v. Medtronic, Inc., Registrant.	Cancellation No.: 92,046,058
Medtronic, Inc., Counter-Claim Petitioner, v. Masimo Corporation, Counter-Claim Respondent.	I hereby certify that this correspondence and all marked attachments are being electronically filed with the Trademark Trial and Appeal Board of the U.S. Patent and Trademark Office through their website located at http://estta.uspto.gov on: November 27, 2006 (Date) Stacey R. Halpern

MASIMO CORPORATION'S OPPOSITION TO

MEDTRONIC, INC.'S MOTION FOR SUMMARY JUDGMENT

Commissioner for Trademarks
P.O. Box 1451
Arlington, VA 22313-1451

Dear Sir:

This is a Cancellation proceeding brought by Masimo Corporation ("Masimo") against U.S. Registration No. 2,916,730 for the mark MAXIMO ("the MAXIMO Mark") owned by Medtronic, Inc. ("Medtronic"). In its Motion for Summary Judgment seeking dismissal of Masimo's Petition for Cancellation ("Medtronic's Motion"), Medtronic has the burden of showing both that there are no genuine issues as to any material facts, and that Medtronic is entitled to judgment as a matter of law. Medtronic's Motion fails on both counts. As a result, it should be denied.

Masimo's Petition for Cancellation sets forth two grounds for cancellation of the MAXIMO Mark: first, that the MAXIMO mark is likely to cause consumer confusion with Masimo's MASIMO name and mark, and second, that the MAXIMO Mark dilutes the MASIMO mark. The ultimate questions of likelihood of consumer confusion and dilution are questions of fact, as are the DuPont factors underlying the likelihood of confusion analysis. Medtronic's Motion contains argument based upon Medtronic's own interpretations of evidence relating to these fact questions. However, these arguments fail to establish that there are no factual issues present. Indeed, as shown below, Medtronic's Memorandum of Law in Support of its motion ("Medtronic's Brief") itself contains references to (and itself creates) several disputed factual issues. Accordingly, Medtronic's Motion fails to establish that there are no genuine issues as to any material facts.

When the available facts and evidence are viewed in a light most favorable to Masimo, as is required in a motion for summary judgment, those facts and evidence support at least the conclusion that: (a) the marks at issue are similar in appearance, sound, and commercial impression, (b) the goods associated with the respective marks are similar in nature, (c) the channels of trade for the goods associated with the marks are the same or similar, (d) Medtronic was aware of Masimo's MASIMO name and mark when Medtronic adopted the MAXIMO Mark and has attempted to create an association with the MASIMO mark, and (e) Masimo's MASIMO mark is famous.

Accordingly, Medtronic's Motion fails to establish that Medtronic is entitled to judgment as a matter of law. For these reasons, and as set forth in detail below, the Trademark Trial and Appeal Board (the "Board") should deny Medtronic's Motion.

I. DISPUTED AND UNDISPUTED FACTS

Since at least as early as 1994, Masimo has developed, offered, licensed, and marketed innovative monitoring technologies that significantly improve patient care, including its medical signal processing technologies and products for monitoring of vital signs in connection with the MASIMO name and mark. See the Declaration of Charles Fowler ("Fowler Decl.") at ¶ 2. Masimo is the owner of U.S. Trademark Registration Nos. 1,906,425 and 1,951,663, both for the mark MASIMO. Id. at ¶ 4. Due to Masimo's use of the MASIMO name and mark for at least twelve (12) years, the name and mark have become well known. Id. at ¶ 5.

Among the goods offered by Masimo in connection with its name and mark MASIMO are patient care devices that include Masimo SET® signal processing technologies, including multi-measurement monitors, defibrillators and infant incubators. These devices are offered by various patient monitoring system providers, including Medtronic and/or its related entities. Fowler Decl. at ¶ 3.

Prior to Medtronic's filing of the application that matured into the MAXIMO Registration, Medtronic Physio-Control Corporation ("Medtronic PC") entered into a license agreement with Masimo. See Medtronic's Brief at pp. 1-3. Subsequently, Medtronic PC changed its name to Medtronic Emergency Response Systems, Inc., ("Medtronic ER"). Id. at pp. 3-4.

As is discussed in detail below, Medtronic's own materials, including, but not limited to, press releases, its website, and government filings, fail to differentiate between Medtronic and Medtronic ER. For example, Medtronic's website and press releases discussing Masimo's technology and products and the LIFEPAK products (the products that incorporate Masimo's technology and products) use Medtronic's name, Medtronic's marks, and repeatedly mention

Medtronic. See the Declaration of Stacey R. Halpern ("Halpern Decl.") at ¶¶ 2-7.

Indeed, Medtronic's materials identify Medtronic ER as a division of Medtronic, a business unit of Medtronic, an operating segment, and Medtronic's child. Halpern Decl. at ¶ ¶2 and 6. The fact that Medtronic ER is a licensee of Masimo and that there are clearly ambiguities between the relationship between Medtronic ER and Medtronic (or at least ambiguities as to how the public perceives this relationship) demonstrates that genuine issues of fact exist as to the related nature of the parties' goods, the channels of trade for the goods, the market interface between the parties, the consumers of the goods and Medtronic's intent in selecting the MAXIMO Mark.

Medtronic also admits that the MASIMO mark is arbitrary and/or coined. Medtronic's Brief at pp. 10-12, Medtronic acknowledges that the terms MAXIMO and MASIMO only differ by a single letter. Medtronic's Brief at 10. As the letters "S" and "X" are audibly similar and as the terms MAXIMO and MASIMO are similar in overall appearance and commercial impression, at a minimum, there are genuine issues of material fact regarding the similarity of the marks.

Due to Masimo's extensive use and registration of the MASIMO name and mark, at a minimum, material issues of fact exist as to the well-known nature of Masimo's MASIMO name and mark. It is apparent that genuine issues of material fact exist as to the related nature of the goods. Issues of disputed fact also exist as to the nature and extent of use of the same or similar marks by third parties and whether Medtronic intended to create an association with Masimo.

As genuine issues of material fact exist, Medtronic's Motion cannot be granted insofar as the issues of likelihood of confusion or dilution.

II. SUMMARY JUDGMENT STANDARD

Medtronic's burden of proof is substantial. Specifically, Rule 56 of the Federal Rules of Civil Procedure ("FRCP") only permits the granting of a summary judgment when there is no genuine issue of material fact. Celotex Corp. v. Catrett, 477 U.S. 317, 322-23 (1986).

In deciding Medtronic's Motion, the Board must resolve all doubts as to whether any material issue of fact exists in favor of Masimo, must the review the record in the light most favorable to Masimo, must draw all factual inferences in Masimo's favor, and must believe all evidence presented by Masimo. Olde Tyme Foods Inc. v. Roundy's Inc., 961 F.2d 200, 22 U.S.P.Q.2d 1542 (Fed.Cir.1993); and Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 255 (1986). Where, as here, Medtronic has failed to meet that burden, Medtronic's Motion must be denied.

III. ARGUMENTS

A. Medtronic's Brief Does Not Indicate the Material Facts Medtronic Believes Are Undisputed

It is a requirement for a brief in support of a summary judgment to specify which material facts are undisputed. See T.B.M.P. §528.01. However, Medtronic's Brief fails to indicate which "facts" it believes are undisputed. Instead, Medtronic's Brief states that the only facts it deems "relevant" to Medtronic's Motion, are that: (1) the application that matured into the MAXIMO Registration was filed on April 17, 2003, claims a date of first use of November 14, 2003 and matured into a registration on January 4, 2005 and that (2) Masimo has relied, in part, on two registrations for the mark MASIMO, which were over a decade before the filing date of the MAXIMO Registration, which claim dates of first use almost a decade before the filing date of the MAXIMO Registration and almost a decade before the date of first use alleged in the MAXIMO Registration, and which proceeded to registration almost a decade before the

MAXIMO Registration. Thus, Medtronic has admitted that the only "relevant" fact is that Masimo is the senior and prior user of the MASIMO mark and that Masimo's use and registration of the MASIMO mark occurred almost a decade before Medtronic's alleged use and registration of the MAXIMO mark.

As Medtronic's Brief ignores many other material facts -- some undisputed, some disputed -- Medtronic's Motion must be denied.

B. Genuine Issues of Material Fact Exist With Regard to Medtronic's Position That There is No Likelihood of Confusion Between the MAXIMO Mark and the MASIMO Mark

1. Genuine Issues of Material Fact Exist With Regard to Medtronic's Position That the MAXIMO Mark and Masimo's MASIMO Mark Are Dissimilar

Despite Medtronic's unsupported statements to the contrary, genuine issues of material fact exist as to whether the MAXIMO Mark and Masimo's MASIMO Mark are similar.

a. Because the U.S. Patent and Trademark Office Does Not Cite a Prior Registration **Does Not** Equate to a Finding of no Likelihood of Confusion

The law is clear that merely because the Examining Attorney did not refuse registration of Medtronic's application which matured into the MAXIMO Registration, the Board can, and often does, find a likelihood of confusion. In fact, the Board has repeatedly emphasized that in determining likelihood of confusion in an inter partes proceeding, it must reach its own conclusion based on the evidence adduced therein.

For example, in McDonald's Corp. v. McClaim, 37 U.S.P.Q.2d 1274 (T.T.A.B. 1995), the restaurant chain McDonald's opposed registration of the mark MC CLAIM for legal services on the grounds of likelihood of confusion with McDonald's marks. The applicant argued that the Board should act consistently with the examining attorney, who had passed the application to publication despite the existence of McDonald's registrations. Id. at 1276. In rejecting this

approach, the Board stated:

> Applicant's argument that the Board is somehow required to adopt the Examining Attorney's conclusion that applicant is entitled to registration is also not well taken. Especially in an inter-partes proceeding such as this, where we have before us more evidence on the issue under Section 2(d) than the Examiner could possibly have had, including evidence establishing fame and a family of marks, we necessarily have the authority to reach whatever decision is supported by this record.

Id. at 1277. See also Hilson Research Inc. v. Soc'y for Human Res. Mgmt., 27 U.S.P.Q.2d 1423, 1439 (T.T.A.B. 1993) ("[T]he fact that the Trademark Examining Attorney, in the ex parte examination of Society's applications, did not cite Hilson's previously registered mark is irrelevant. The Board is not bound by the actions of the Trademark Examining Attorney who, of course, did not have the benefit of the evidence which has been introduced in these proceedings."); Real Prop. Mgmt., Inc. v. Marina Bay Hotel, 221 U.S.P.Q. 1187, 1189 n.2 (T.T.A.B. 1984) ("[T]he Board, in an inter partes proceeding such as this, is not bound by [an] examiner's prior determinations and has the responsibility of reaching its own decision on likelihood of confusion based on all the facts adduced in the inter partes proceeding."); and H. Sichel Sohne, GmbH. v. John Gross & Co., 204 U.S.P.Q. 257, 261 (T.T.A.B. 1979) ("Suffice it to say, that the prior implicit finding of the Trademark Attorney in the ex parte prosecution of respondent's application which matured into the registration now sought to be cancelled, that respondent's mark was not considered confusingly similar to any registered mark, is not binding on this Board in a subsequent adversary proceeding.").

Similarly, in the case at hand, it is just as likely that that the Examining Attorney was not aware of material facts, including, but not limited to, the relationship between Medtronic ER, Medtronic, and Masimo and their goods.

b. Whether the MAXIMO Mark and MASIMO Mark are Similar in Appearance is Disputed

The terms MAXIMO and MASIMO differ visually by only one letter. As the MAXIMO Mark is simply a combination of a descriptive term with a term that only differs from Masimo's MASIMO name and mark by one letter, these facts support a finding of a likelihood of confusion. Indeed, Medtronic's Brief supports this conclusion or at least the conclusion that genuine issues of material fact exist as to whether the marks are similar in appearance.

Specifically, Medtronic argues that the first portion of the term MAXIMO (MAX), could be pronounced "MAKS" so that phonetically Medtronic's mark would be MAKSIMO. Medtronic's Brief at p. 10-11. Medtronic also argues that the first portion of Masimo's MASIMO mark may be pronounced 'mas' as in 'master', so that phonetically Masimo's mark would be MASIMO. Id.

As "ks" and "s" are audibly very similar, if, as Medtronic has proposed, consumers and potential consumers believe Medtronic's mark is pronounced MAKSIMO and Masimo's Mark is pronounced MASIMO, audibly, the marks would be not only similar in appearance, but also in sound.

Furthermore, the law is clear that one may **not** appropriate the entire mark, or a confusingly similar mark of another, and avoid a likelihood of confusion by the addition thereto of descriptive or otherwise subordinate matter. See TMEP § 1207.01 (b) (iii); Bellbrook Dairies v. Hawthorn-Melody Dairy, 117 U.S.P.Q. 213, 214 (C.C.P.A. 1958); and Hewlett-Packard Company v. Packard Press, Inc., 62 U.S.P.Q.2d 1001 (Fed. Cir. 2002).

As Medtronic has admitted that the term MASIMO is an arbitrary and/or coined mark and as the MAXIMO Mark only differs from the MASIMO mark by one letter, the "undisputed" facts tend to demonstrate that Medtronic has virtually adopted Masimo's mark in its entirety.

Given the visual and phonetic similarities between the terms MAXIMO and MASIMO, the fact that the terms MAXIMO and MASIMO only differ by one letter, and the fact that the second and third syllables of both marks are identical (IMO), it is apparent that genuine issues of material fact exist regarding the similarity of the marks.

2. There Are Genuine Issues of Material Fact as to Whether the Parties' Goods Are Dissimilar

After admitting that Medtronic ER has been Masimo's licensee for four (4) years and acknowledging that Masimo owns registrations for the mark MASIMO, Medtronic nonetheless argues that there is no genuine issue regarding the similarity of the parties' goods. Medtronic's Brief at pp. 1, 3 and 4. However, the fact that Medtronic ER is Masimo's licensee demonstrates that there are genuine issues of material fact regarding the similarity between Masimo's goods and Medtronic's goods.

Specifically, as is discussed above and in the Halpern Decl., Medtronic's own materials create ambiguity regarding Medtronic's relationship with Medtronic ER or at least create the perception of ambiguity. In other words, even if the goods in question are not identical, the consuming public may perceive them as related enough to cause confusion about the source or origin of the goods. See Recot, Inc. v. M.C. Becton, 214 F.2d 1322, 1329 (Fed. Cir. 2000).

For example, Medtronic's own press releases, which discuss Masimo's technology, use Medtronic's mark, identify the goods as "Medtronic's goods," provide a link to Medtronic's website, and also Medtronic's NYSE listing information. Halpern Decl. at ¶ 7.

Furthermore, even if a user goes to Medtronic ER's website, this website prominently uses Medtronic's MEDTRONIC name and mark, provides information on Medtronic, and provides a link to Medtronic's home page. Halpern Decl. at ¶ 2. In fact, when a visitor "clicks"

on the link entitled Terms of Use, the user is taken to a page that states "Terms of Use describe rules for visitors to this Medtronic web site. This web site is owned and operated by Medtronic. Medtronic is the name we use to refer to our whole business, including Medtronic, Inc. and any of the companies that it controls, such as its subsidiaries and affiliates." Id.

Similarly, Medtronic's SEC filings refer to the goods Medtronic ER is offering that contain Masimo's technology. Halpern Decl. at ¶ 6. Medtronic's SEC filings also group together Medtronic's implantable and external defibrillators and identify both of these products as "cardiac rhythm management" products. In fact, Medtronic's January 27, 2006 10-Q SEC filing indicates that it "functions in five operating segments, including Cardiac Rhythm Management (CRM) . . . ." The January 27, 2006 10-Q also stated "CRM products consist primarily of pacemakers, implantable and external defibrillators. . . ." Similarly, Medtronic's September 6, 2006 10-Q states "Looking ahead, we expect our CRDM operating segment should benefit from the following: Continued acceptance of the Intrinsic and EnTrust ICDs, InSync CRT-D and EnRhythm pacemaker. . . . Future acceptance of the LIFEPAK® 1000 external defibrillator introduced in the U.S during fiscal first quarter 2007. . .." Id. Medtronic's 2006 Annual Report discusses Medtronic's ICD devices and its LIFEPAK products on the same page. Id.

Additionally, Medtronic's website states "**Medtronic offers a range of products and services including LIFEPAK® defibrillators used by hospital and emergency service personnel as well as trained responders who have minimal training in CPR and use of an automated external defibrillator.**" **(Emphasis added).** Halpern Decl. at ¶ 3.

It is undisputed that Medtronic ER's goods incorporate Masimo's goods and technology. It is also undisputed that Medtronic ER is in some manner related to Medtronic. As Medtronic's

own documents raise issues as to the relationship between Medtronic and Medtronic ER and Medtronic and Medtronic ER's goods (as well as the relationship between Medtronic and Masimo), it is apparent that issues of material fact exist as to whether or not the parties' goods are related or, at a minimum, whether the consuming public may perceive them as related. This is true no matter what the true relationship between Medtronic and Medtronic ER is.

Moreover, as admitted by Medtronic, Medtronic's goods offered in connection with the MAXIMO Mark and Medtronic ER's LIFEPAK (the goods that include technology and products licensed from Masimo) are both types of defibrillators, designed to serve the same general purpose. Medtronic's Brief at pp. 3-5. This fact supports the conclusion that the parties' goods are similar.

The issues regarding the relationship between Medtronic, Medtronic ER, and Masimo and the similarity of their goods also demonstrate that, at a minimum, material issues of genuine fact exist with regard to other relevant *DuPont* factors, such as the similarity of the parties' goods, the likelihood of Masimo bridging the gap in the marketplace (which the business relationship between Medtronic ER and Masimo demonstrates that it already has), the channels of trade and consumers of the goods, and Medtronic's bad faith in selecting the mark.

3. Medtronic Has Failed to Address All of the Relevant Du Pont Factors

Medtronic has failed to demonstrate there are no issues of genuine material fact with regard to the similarity of the parties' marks or the parties' goods. Recognizing its failure, in a footnote, Medtronic states that it "reserves the right to submit evidence at a later date . . . [regarding] the other *DuPont* factors." Medtronic's Brief at p. 5, ft nt. 1.

However, as the moving party, Medtronic was required to demonstrate that there are no genuine issues of material fact with regard to any of the applicable factors, such as the strength of

Masimo's name and mark, the similarity of the channels of trade for the goods, the market interface between the parties, the similarity between the consumers of the goods, and Medtronic's intent in selecting the MAXIMO Mark.

The disputed issues regarding all of these factors demonstrate that the Board should deny Medtronic's Motion. Moreover, as shown in Exhibits 5 and 6 to the Halpern Decl, there is market interface between the parties and their consumers. For example, based on publicly available materials, it is apparent that the parties attend the same trade shows and conferences, offer their goods to the same consumers, and are listed as customers by many of the same entities. Halpern Decl. at ¶ 7.

Furthermore, Medtronic has admitted there is an ongoing relationship between Medtronic ER and Masimo. It is also undisputed that Medtronic ER is, at a minimum, an entity closely related to Medtronic. These facts support the conclusion that Medtronic knew of Masimo's mark prior to adopting its own, and that Medtronic adopted the MAXIMO mark at least in part to trade off of Masimo's goodwill. This would be true regardless of whether Medtronic ER is a wholly-owned subsidiary of Medtronic, a business unit of Medtronic or an operating segment of Medtronic.

C. Genuine Issues of Material Fact Exists With Regard to Masimo's Dilution Claim

A mark is famous if it is widely recognized by consumers as a designation of source of the goods of the mark's owner. Medtronic does not dispute that Masimo owns registrations for the mark MASIMO and that such registrations predate the filing date, alleged date of first use of the application which matured into the MAXIMO Registration, and the registration date of the MAXIMO Registration by almost a decade. Medtronic's Brief at p. 5. Medtronic also admits

that Medtronic ER is Masimo's licensee and that Medtronic ER was Masimo's licensee at the time Medtronic selected the MAXIMO Mark. Medtronic Brief at pp. 1, 3 and 4. Furthermore, Medtronic has not disputed that Masimo has extensively used the MASIMO name and mark for at least twelve years. These facts support the conclusion that the MASIMO mark is famous or, at minimum, at least place this issue in dispute.

Similarly, in determining whether a mark is likely to cause dilution, the Board considers various factors including: (1) the degree of similarity between the marks; (2) the degree of inherent or acquired distinctiveness of Masimo's mark; (3) the nature and extent of use of the same or similar marks by third parties; (4) whether Masimo's mark is registered; and (5) whether Medtronic intended to create an association with Masimo.

Medtronic has acknowledged the fact that the terms MAXIMO and MASIMO only differ by one letter. This fact, coupled with Medtronic's admission that MASIMO is a coined arbitrary term and the fact that "ks" and s" are audibly very similar, support the conclusion that there is a high degree of similarity between the marks. At minimum, this is at least a disputed issue of fact.

Medtronic has also stated that the term MASIMO has no apparent meaning in the English language (and is therefore a strong, arbitrary or coined term). Medtronic's Brief at pp. 10-12. Medtronic has not disputed that Masimo has extensively used the MASIMO name and mark for at least twelve years. Accordingly, the available facts and evidence support the conclusion that Masimo's MASIMO mark is inherently distinctive.

Additionally, the MASIMO mark is registered and, except for the MAXIMO Mark, Medtronic has failed to offer any evidence showing similar marks for similar goods used by third parties.

Medtronic has admitted there is an ongoing relationship between Medtronic ER and

Masimo and that this relationship existed at the time Medtronic adopted the MAXIMO Mark. Medtronic's Brief at pp. 1 and 3. The available facts and evidence show that Medtronic's own materials, including its press releases, website, and governmental filings indicate that the goods incorporating Masimo's products and technology are Medtronic's goods. As the license with Masimo requires the use of the MASIMO mark, the available evidence demonstrates that Medtronic knew of Masimo's mark prior to adopting the MAXIMO Mark and also supports the conclusion that Medtronic intended to create an association with Masimo. Consequently, the evidence of record supports Masimo's dilution claim.

IV. CONCLUSION

For the reasons set forth above, Masimo respectfully requests that the Board deny Medtronic's Motion.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: November 27, 2006

By: _____

Diane M. Reed
Stacey R. Halpern
Deborah S. Shepherd
2040 Main Street, 14th Floor
Irvine, California 92614
Attorneys for Petitioner
and Counter-Claim Respondent,
Masimo Corporation

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing **MASIMO CORPORATION'S OPPOSITION TO MEDTRONIC, INC.'S MOTION FOR SUMMARY JUDGMENT** upon Registrant/Counter-Claim Petitioner's counsel by depositing one copy thereof in the United States Mail, first-class postage prepaid, on November 27, 2006 addressed as follows:

Dean R. Karau
Fredrikson & Byron, P.A.
200 South Sixth Street, Suite 4000
Minneapolis, MN 554021425

Stacey R. Halpern

3120552:sg
112706

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Masimo Corporation, Petitioner, v. Medtronic, Inc., Registrant.	Cancellation No.: 92,046,058
Medtronic, Inc., Counter-Claim Petitioner, v. Masimo Corporation, Counter-Claim Respondent.	I hereby certify that this correspondence and all marked attachments are being electronically filed with the Trademark Trial and Appeal Board of the U.S. Patent and Trademark Office through their website located at http://estta.uspto.gov on: 11/27/2006 (Date) Stacey R. Halpern

DECLARATION OF CHARLES FOWLER IN SUPPORT OF MASIMO CORPORATION'S OPPOSITION TO MEDTRONIC, INC.'S MOTION FOR SUMMARY JUDGMENT

1. I am the Patent Attorney for Masimo Corporation ("Masimo"), the Petitioner in the above-referenced cancellation proceeding. As the Patent Attorney for Masimo, I have personal knowledge of the facts set forth below. If called upon and sworn as a witness, I could and would competently testify as set forth below.

2. Since at least as early as 1994, Masimo has developed, offered, licensed, and marketed innovative monitoring technologies that significantly improve patient care, including its medical signal processing technologies and products for monitoring of vital signs offered in connection with the MASIMO name and mark.

3. Among the goods offered by Masimo and/or its authorized licensees in connection with the name and mark MASIMO are devices that include Masimo SET® signal processing technologies, including multi-measurement monitors, defibrillators and infant

3. Among the goods offered by Masimo and/or its authorized licensees in connection with the name and mark MASIMO are devices that include Masimo SET signal processing technologies, including multi-measurement monitors, defibrillators and infant incubators. These devices are offered by various patient monitoring system providers, including Medtronic, Inc. and/or its related entities. Under the terms of the license agreement between Masimo and Medtronic, Inc. and/or its related entities, Medtronic, Inc. and/or its related entities are required to use the MASIMO mark in association with the licensed products and technology.

4. Masimo is the owner of U.S. Trademark Registration Nos. 1,906,425 and 1,951,663, both for the mark MASIMO. Copies of these Registrations are attached hereto.

5. Due to Masimo's use of the MASIMO name and mark for at least twelve (12) years, the name and mark have become well-known.

I declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or document or any registration resulting therefrom.

Dated: Oct. 27, 2006

By: _____
Charles Fowler

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing **DECLARATION OF CHARLES FOWLER IN SUPPORT OF MASIMO CORPORATION'S OPPOSITION TO MEDTRONIC, INC.'S MOTION FOR SUMMARY JUDGMENT** upon Registrant/Counter-Claim Petitioner's counsel by depositing one copy thereof in the United States Mail, first-class postage prepaid, on November 27, 2006 addressed as follows:

Dean R. Karau
Fredrikson & Byron, P.A.
200 South Sixth Street, Suite 4000
Minneapolis, MN 554021425

Stacey R. Halpern

3120608:sg
112706

Int. Cl.: 10

Prior U.S. Cls.: 26, 39, and 44

Reg. No. 1,906,425

United States Patent and Trademark Office

Registered July 18, 1995

TRADEMARK
PRINCIPAL REGISTER

MASIMO

MASIMO CORPORATION (CALIFORNIA CORPORATION)
26052 MERIT CIRCLE, SUITE 103
LAGUNA HILLS, CA 92653

FOR: IN VIVO PATIENT MONITORS FOR DETECTING A PHYSIOLOGICAL CONDITION, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

FIRST USE 11-17-1994; IN COMMERCE 11-17-1994.

SN 74-442,460, FILED 9-30-1993.

BARNEY CHARLON, EXAMINING ATTORNEY

Int. Cl.: 10

Prior U.S. Cls.: 26, 39, and 44

Reg. No. 1,951,663

United States Patent and Trademark Office

Registered Jan. 23, 1996

TRADEMARK
PRINCIPAL REGISTER

MASIMO

MASIMO CORPORATION (CALIFORNIA CORPORATION)
26052 MERIT CIRCLE, #103
LAGUNA HILLS, CA 92653 BY CHANGE OF NAME FROM VITAL SIGNALS, INC. (CALIFORNIA CORPORATION) LAGUNA HILLS, CA 92653

FOR: ELECTRONIC IN VIVO MONITORS; NAMELY, BLOOD MONITORS, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).
FIRST USE 11-17-1994; IN COMMERCE 11-17-1994.

SN 74-323,652, FILED 10-16-1992.

JESSIE B. BILLINGS, EXAMINING ATTORNEY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Masimo Corporation, Petitioner, v. Medtronic, Inc., Registrant.	Cancellation No.: 92,046,058
Medtronic, Inc., Counter-Claim Petitioner, v. Masimo Corporation, Counter-Claim Respondent.	I hereby certify that this correspondence and all marked attachments are being electronically filed with the Trademark Trial and Appeal Board of the U.S. Patent and Trademark Office through their website located at http://estta.uspto.gov on: November 27, 2006 (Date) Stacey R. Halpern

DECLARATION OF STACEY R. HALPERN IN SUPPORT OF MASIMO CORPORATION'S OPPOSITION TO MEDTRONIC, INC.'S MOTION FOR SUMMARY JUDGMENT

I, Stacey R. Halpern, declare as follows:

1. I am a partner with Knobbe, Martens, Olson & Bear, LLP, U.S intellectual property counsel for Masimo Corporation ("Masimo"), the Petitioner in the above above-identified Cancellation proceeding. I have personal knowledge of the facts set forth below. If called upon and sworn as a witness, I could and would competently testify as set forth below.

2. Attached as Exhibit 1 hereto are true and correct printouts from the website located at http://www.medtronic-ers.com. As shown by Pages 1 and 5 of Exhibit 1, this website links directly to the website located at http://www.medtronic.com, which is Medtronic, Inc.'s

("Medtronic") website. As shown by page 6 of Exhibit 1, the "terms of use" indicate that the website is owned by Medtronic. As shown by page 3 of Exhibit 1, Medtronic ER is identified Medtronic's child.

3. Attached as Exhibit 2 hereto are true and correct printouts from the website located at http://www.medtronic.com. As shown by page 2 of Exhibit 2, Medtronic refers to Medtronic Emergency Response Systems ("Medtronic ER") as a business unit. As shown by pages 5 to 8 of Exhibit 2, the same "terms of use" are linked to Medtronic's homepage as are linked to Exhibit 1. Page 9 of Exhibit 2 indicates that Medtronic offers a range of products and services including LIFEPAK® defibrillators, the products that include Masimo's technology and products.

4. Attached as Exhibit 3 is a press release from Medtronic's website that indicates that Medtronic is the leading manufacturer of external defibrillators.

5. Attached as Exhibit 4 are true and correct copies of other materials found on Medtronic's website which discuss Masimo and/or the products containing Masimo's technology (LIFEPAK products) and indicate that the products are "Medtronic's products." These materials also indicate and/or reference Medtronic's website, Medtronic's NSYE symbol and use.

6. Attached as Exhibit 5 are true and correct copies of documents that Medtronic filed with the SEC. These documents indicate that LIFEPAK and MAXIMO products are offered by the same Medtronic operating segment. These documents also indicate that Medtronic has a Cardiac Rhythm Disease Management operating segment and that this segment offers implantable and external debrillators, including the LIFEPAK products (which incorporate Masimo's technology and products) and the products offered in connection with the MAXIMO mark.

7. Attached as Exhibit 6 are documents obtained from an Internet search showing that Masimo and Medtronic attend some of the same trade shows and conferences, offer their goods to the same consumers, and are listed as customers by many of the same entities.

I declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or document or any registration resulting therefrom.

Dated: November 27, 2006

By: _____
Stacey R. Halpern

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing **DECLARATION OF STACEY R. HALPERN IN SUPPORT OF MASIMO CORPORATION'S OPPOSITION TO MEDTRONIC, INC.'S MOTION FOR SUMMARY JUDGMENT** upon Registrant/Counter-Claim Petitioner counsel by depositing one copy thereof in the United States Mail, first-class postage prepaid, on November 27, 2006 addressed as follows:

Dean R. Karau
Fredrikson & Byron, P.A.
200 South Sixth Street, Suite 4000
Minneapolis, MN 554021425

Stacey R. Halpern

3120906:sg
112706

DEFIBRILLATORS

Heart Safe Community Info
What is Sudden Cardiac Arrest?
Who is Medtronic ERS?
I need more information.

Medtronic Emergency Response Systems is the world leader in defibrillation technology. You can rely on our world-class products, data management systems, and support services when sudden cardiac arrest strikes. Because we share one passion with our customers: saving more lives.

LINKS TO RELATED SITES

AEDHELP.COM	CLINICAL INFO
HEART SAFE PORTAL	MEDTRONIC.COM
BIPHASIC.COM	PRODUCT NOTICES

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Medtronic Emergency Response Systems, 11811 Willows Road NE, PO Box 97006, Redmond, WA 98073-9706 USA
PHONE: 800.442.1142 or 425.867.4000

EXHIBIT 1 PAGE 1 OF 9

Medtronic/Physio-Control Merger

In October 1998, two industry leaders, Medtronic, Inc. and Physio-Control International Corporation united with the common objective of increasing survival rates for the one million patients annually who experience cardiac events.

Medtronic, Inc. based in Minneapolis, Minnesota, is traded on the New York Stock Exchange (symbol: MDT). For further information call Medtronic Investor Relations at 763-514-3035.

There is no separately traded stock for Medtronic Emergency Response Systems.

Our Customers

Medtronic, Inc. Web Site

Medtronic, Inc. Press Release Center
(includes Medtronic Emergency Response Systems Press Releases)

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EXHIBIT 1, PAGE 2 OF 9

Who Is Medtronic Emergency Response Systems?

Our mission is to make lifesaving tools for lifesaving teams. We develop, manufacture, sell and service the renowned LIFEPAK® defibrillator/monitors and automated external defibrillators (AEDs). But our tool set is much more extensive than devices. We also offer medical assistance, data management software, leasing programs, training assistance, round-the-clock technical service, and liability insurance - to help you build a "heart safe community". Our solutions are used by our customers to save thousands of lives every year.

Our Pioneering Spirit Drives Us

Nearly 40 years ago, we introduced a medical device that launched an industry - the first commercial DC defibrillator. From that day forward, our product focus has been on development of the highest quality medical devices for prediction or urgent treatment of cardiac and respiratory emergencies. Our history includes a long legacy of "firsts", groundbreaking tools created for lifesaving teams. All done with one focus: saving minutes.....saving lives.

Our Philosophy

We believe that customers need a total solution, not just a device. From involving customers early in the development process to shadowing them in their work environment, we design solutions for the first responder through the advanced life support provider. We concentrate on making products and services more intuitive, more complete and less costly to own and operate, so that lives can be saved in more places more often.

Improving Lives Around the World

We are based near Seattle, Washington, but our lifesaving products are sold, serviced and preferred throughout the world - a responsibility we don't take lightly. In the toughest emergencies - anywhere in the world - you'll find our equipment on the scene.

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Our History

From the beginning, Medtronic Emergency Response Systems was a marriage of medicine and technology. In the mid-1950s our founder, Dr. Karl William Edmark, a cardiac surgeon with an interest in electronics, experimented with treating chaotic heart rhythms using a direct current (DC) electric shock. The outcome, in 1961, was the first commercial DC defibrillator-- the prototype for devices used worldwide by hospitals and emergency medical services today.

A Legacy of "Firsts"

Medtronic Emergency Response Systems dramatically changed the face of emergency medical care in the late 1960s with the introduction of the first portable, battery-powered defibrillator/monitor. The device revolutionized emergency response, enabling specially trained paramedics to defibrillate patients in the field, before transport to a hospital.

In 1972, our LIFEPAK® 2 defibrillator/monitor was the first portable defibrillator to allow transmission of the patient's ECG signal from an emergency vehicle to physicians waiting at the hospital. Saving minutes...saving lives.

Other innovative "firsts" included defibrillators with:

- ECG-synchronized shocks
- integral ECG recorders
- Shock Advisory System™ automatic rhythm analysis
- external pacing
- diagnostic 12-lead ECG
- capability to transmit event data to PCs in Emergency Departments and EMS offices

The Family Grows

In 1998, we merged with Medtronic, Inc. and eventually became Medtronic Emergency Response Systems. Our parent company, Medtronic, Inc. is the world's leading medical company. The combined company, with deep roots in the treatment of heart disease, is inspired by a common goal.

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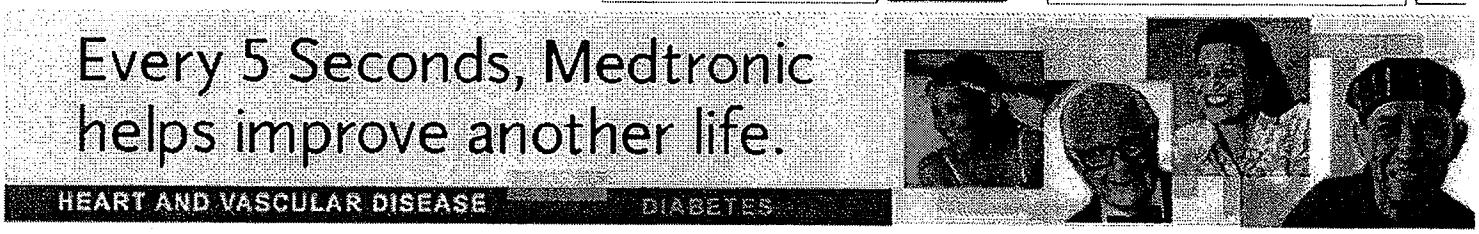

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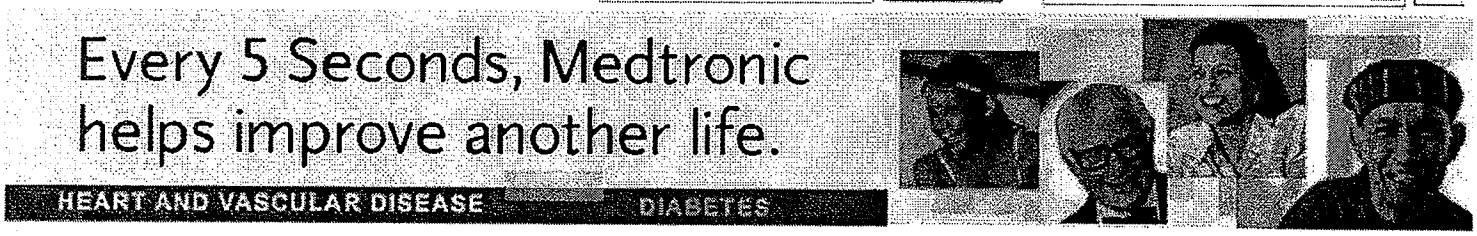

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This information is intended for media professionals and investors

Backgrounder

Medtronic Media Contacts:
Anne Devine, Public Relations, 425-867-4403

Medtronic Emergency Response Systems Background

A BRIEF LOOK AT MEDTRONIC EMERGENCY RESPONSE SYSTEMS

Company Description
Medtronic's Emergency Response Systems business unit is the world leader in developing, manufacturing, selling and servicing of external defibrillator/monitor/pacemaker products. The company pioneered defibrillation technology nearly 50 years ago and continues to design and develop advanced medical devices for in-hospital and out-of-hospital use. Medtronic Emergency Response Systems offers a complete solution that includes a range of complementary products and services, providing hope for the hundreds of thousands of people who experience sudden cardiac arrest each year.

A Legacy of Firsts
Dr. K. William Edmark, a cardiovascular surgeon determined to reduce the number of sudden deaths during cardiac surgery, founded Physio-Control Corporation in 1955. His research, showing that a very brief electrical current could correct an abnormal heart rhythm, led to the development of the first commercial defibrillator. Using Dr. Edmark's discovery, Medtronic Physio-Control dramatically changed the face of emergency medical care.

In 1972, Physio-Control introduced the LIFEPAK®2 defibrillator/monitor, the first portable defibrillator to allow transmission of the patient's ECG (electrocardiogram) signal from an emergency vehicle to physicians waiting at the hospital.

In 1998, Physio-Control joined forces with Medtronic, Inc. (NYSE:MDT). Headquartered in Minneapolis, Medtronic is the world's leading medical technology company, pioneering device-based therapies that restore health, extend life and alleviate pain. The combined company, with deep roots in the treatment of heart disease, is inspired by a common goal. In 2004, the Physio-Control name was dissolved and the business unit is now known as Medtronic Emergency Response Systems.

Key Products and Services
Because of the critical nature of sudden cardiac arrest, hospitals, emergency medical services and targeted responders trained in basic lifesaving techniques, rely on Medtronic Emergency Response Systems' products in the most critical cardiac emergencies and the toughest situations. Medtronic Emergency Response Systems manufactures products for all tiers of a multi-level emergency response system, from trained lay responders to emergency medical technicians and paramedics, to hospital-based caregivers. These products are designed to adapt to the physical needs of the patient and the surrounding emergency conditions, enabling fast, smooth transitions from the scene through EMS to treatment at the hospital.

LIFEPAK® CR Plus automated external defibrillator (AED) is the first fully automatic, more affordable external defibrillator developed for commercial settings. Designed for the minimally trained rescuer, the LIFEPAK CR Plus requires just two steps and no other user intervention.

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LIFEPAK® 500 automated external defibrillator (AED). This AED is designed for first responders, such as firefighters, police officers and others trained in CPR/AED use, who reach the scene of a cardiac incident first but do not have extensive medical training.

LIFEPAK® 12 defibrillator/monitor series. This multiparameter device combines semi-automated and manual defibrillation with capnography, external pacing, 12-lead electrocardiography and other monitoring functions. Its platform is upgradeable, allowing customers to add new parameters as their needs change and as new features are introduced.

LIFEPAK® 20 defibrillator/monitor is the latest addition to the LIFEPAK family of products. Using ADAPTIV™ biphasic technology, the LIFEPAK 20 offers both manual and AED modes for hospital and clinic settings. The system offers both monitoring and therapeutic functions and can help hospitals meet standards of the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) to have resuscitation services readily available throughout the hospital.

LIFENET® EMS electronic patient care reporting system uses powerful mobile data collection software with a rugged, touch-screen mobile PC. The system enables EMS paramedics and first responders to electronically capture patient information at the scene of an emergency and wirelessly transfer it to clinical and operational staff for in-depth data management and reporting.

LIFENET® RS Receiving Station works in concert with Medtronic's LIFEPAK® 12 defibrillator/monitors to provide diagnostic quality information from the field (pre-hospital setting) to the emergency department (ED) for diagnosis, disposition and therapy decisions.

LIFEPAK® Heart Safe Solutions. This package is composed of complementary products and services including medical direction, state registration and notification, pricing and leasing options, site assessment, training and skills refreshment, customer support, maintenance, and tracking of program details. The company makes and sells related accessories and provides extended service to customers in more than 80 countries worldwide.

Commitment to Saving More Lives
In addition to providing products held to the highest standards in the industry and meeting the specific needs of the user, Medtronic Emergency Response Systems is committed to education. Programs such as the Heart Safe Communities initiative launched in 2000 were created to extend public awareness about the need for public access defibrillation programs and, ultimately, save lives. According to the American Heart Association, studies show that cities providing public access to defibrillation programs have been able to increase survival rates to between 48 and 74 percent. Heart Safe Communities is designed to improve survival rates of SCA by teaching people how to recognize cardiac emergencies early, making AEDs readily available so that early defibrillation is possible and strengthening the American Heart Association's 'Chain of Survival' at every step: Early Access to 9-1-1 (emergency medical services); Early CPR; Early Defibrillation; and early advanced emergency care.

Workforce
Medtronic Emergency Response Systems is headquartered in Redmond, Washington and employs 1,000 Team Members. Worldwide, Medtronic employs more than 27,000 Team Members.

Recognition

- Medtronic Emergency Response Systems products have more than 70 percent of the domestic out-of-hospital market and nearly 50 percent of the domestic in-hospital market
- Recipient of 1999 Washington State Quality Award
- Named 1998 Washington State Governor's Trader of the Year
- Named one of "America's Best Plants" in 1996 by Industry Week magazine
- Listed in recent editions of "The 100 Best Companies to Work for in America"

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- Listed in "100 Best Companies to Sell for in America"

Senior Management
Bob White, President
Randy Merry, VP Research and Development
Niki Butler, VP Customer Care Services
Brian Webster, VP/GM Commercial Business Unit
Bob Di Silvio, VP/GM Medical Business Unit
Gerald Ng, VP Finance and IT Operations

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April 29, 1949 in Minneapolis, Minnesota, USA, by Earl E. Bakken and Palmer J. Hermundslie.

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Global Presence
Medtronic does business in more than 120 countries. Medtronic World Headquarters is located in Minneapolis, Minnesota. Regional Headquarters include Switzerland and Japan.

Workforce
Medtronic employs 36,000 people worldwide.

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EXHIBIT 2 PAGE 10 OF 10

This information is intended for media professionals and investors

News Release

Medtronic Joins International Association Of Fire Chiefs To Honor Top Fire & Emergency Service Officers

Michigan and District of Columbia fire and EMS departments among those receiving awards

REDMOND, Wash., May 5, 2004 – Emergency medical personnel were honored for their dedication and achievements last week during the annual Fire-Rescue Med Show in Las Vegas. Medtronic, the leading manufacturer of external defibrillators and other medical devices, sponsored both the Heart Safe Community and James O. Page awards that were presented to outstanding members of fire and emergency medical service (EMS) departments who have helped save lives due to their tireless leadership and innovation.

"We believe it is important to recognize those who embrace and act on their dedication to saving lives," said Robert White, president of Medtronic's Emergency Response Systems business unit. "We commend these organizations and individuals for making their communities safer places to live."

The Heart Safe Community Award applauds fire and EMS departments that have made a difference in their communities by creating or promoting public access defibrillation (PAD) programs. This year's recipients were the Bloomfield Township, Michigan Fire Department and the District of Columbia Fire and Emergency Medical Services Department. Both have implemented PAD programs in their areas as well as continuously providing education for their residents about the need for PAD.

This year's James O. Page award was presented to the International Association of Fire Chief's Executive Director Garry L. Briese, CAE. The award is presented to an individual who has played a key role in creating or promoting non-clinical innovation and achievements in fire service management. The award is named for James O. Page who has been a visionary and national leader in fire service EMS for more than three decades. Briese has served as the association's executive director for 19 years. Prior to his current position, he spent the previous 15 years as the executive director of the Florida College of Emergency Physicians. He has over 30 years of experience in the fire service, 29 years as a volunteer and one year as a paid firefighter.

The International Association of Fire Chiefs' EMS section determines the award criteria, reviews the applicants and selects the recipients of these awards. These awards were first presented in 2001.

Medtronic's Emergency Response Systems business unit located in Redmond, Wash., pioneered defibrillation technology nearly 50 years ago. With 450,000 LIFEPAK defibrillators distributed worldwide, Medtronic is the world's leading provider of external defibrillators for the treatment of sudden cardiac arrest. To find out more about Medtronic Emergency Response Systems, go to www.medtronic-ers.com or call 1-800-442-1142.

Medtronic, Inc., headquartered in Minneapolis, is the world's leading medical technology company, providing lifelong solutions for people with chronic disease. For more information about Medtronic, visit www.medtronic.com or call 1-800-328-2518.

Any statements made about the company's anticipated financial results and regulatory approvals are forward-looking statements subject to risks and uncertainties such as those described in Medtronic's Annual Report on Form 10-K for the year ended April 25, 2003. Actual results may differ materially from

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This information is intended for media professionals and investors

News Release

Medtronic Media Contacts:

Jeff Warren, Investor Relations, 763-505-2696
Anne Devine, Public Relations, 425-867-4403

Medtronic Unveils The LIFEPAK® 1000 Defibrillator

Adding to its advanced patient-focused solutions for professional emergency responders

MINNEAPOLIS – March 23, 2006 – Medtronic, Inc. (NYSE: MDT) today announced its newest line of solutions for professional emergency responders, the LIFEPAK® 1000 defibrillator with cprMAX™ technology. The new line of LIFEPAK defibrillators is designed to drive better response times and meet existing challenges in emergency care. This addition will be publicly unveiled on March 24 in Baltimore, Md., at the EMS Today conference, one of the nation's largest meetings of EMS professionals.

"Medtronic is committed to creating connected solutions to optimize patient outcomes in medical emergencies. We are excited to offer first responders a new defibrillation platform that can be tailored to their needs. The LIFEPAK 1000 defibrillator provides an advanced automated external defibrillator (AED) platform that can be upgraded and configured to meet a wide range of emergency response needs," said Brian Webster, Vice President, Global Marketing and Solutions with Medtronic Emergency Response Systems. The all new cprMAX technology included in the device allows medical directors of emergency medical services (EMS) the flexibility to implement protocols as they evolve, improving patient care.

"With the newly released CPR guidelines from the American Heart Association, defibrillator and monitor flexibility is critical to providing state-of-the-art care in cardiac arrest resuscitation," said Dr. Charles Lick, who practices emergency medicine at Allina's Buffalo Hospital in Buffalo, Minn., and serves as medical director for Allina Medical Transportation. "The new LIFEPAK 1000 defibrillator will be able to accommodate user requests, with the goal of better outcomes for patients."

The LIFEPAK 1000 defibrillator is a highly a rugged device, with a large, intuitive screen, to provide both graphical and ECG displays which can be quickly and easily assessed, as well as an advanced battery system to let providers know when the device is ready to operate. The device is equipped with ADAPTIV™ biphasic technology providing a full range of energy up to 360 joules.

A defibrillator is a medical device first responders use to treat a person who is the victim of sudden cardiac arrest (SCA). SCA is most often caused by ventricular fibrillation, a dangerous, abnormal heart rhythm that causes the heart's electrical signals to become completely disorganized. The heart is then unable to pump blood to the body, and the person quickly loses consciousness and stops breathing. Performing CPR and calling emergency medical services are not enough. Chances of survival drop 7-10 percent every minute without defibrillation.

About Medtronic
Medtronic's Emergency Response Systems business unit, located in Redmond, Wash., pioneered defibrillation technology 50 years ago. With over 560,000 LIFEPAK defibrillators in operation worldwide, it is the world's leading provider of external defibrillators for the treatment of sudden cardiac arrest. For more information on LIFEPAK defibrillator/monitors, visit www.medtronic-ers.com or call 1-800- 442-1142. Medtronic, Inc. (NYSE: MDT), headquartered in Minneapolis, is the world's leading medical

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technology company, alleviating pain, restoring health, and extending life for millions of people around the world. For more information about Medtronic, visit www.medtronic.com or call 1-800-328-2518.

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Medtronic, Inc. 2006

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This information is intended for media professionals and investors

News Release

Medtronic Media Contacts:

Joyce Szymanski, Public Relations,

Medtronic Introduces LIFENET® BLUE Wireless Patient Data Transmission Product Enhancement

Bluetooth® technology gives pre-hospital EMS teams uninterrupted focus on patient care

REDMOND, Wash., May 6, 2004 — Medtronic announced today its global introduction of a new patient data transmission product upgrade for the LIFEPAK® 12 defibrillator/monitor called LIFENET® BLUE. Equipped with Bluetooth® SIG technology, LIFENET BLUE allows emergency medical service (EMS) teams to wirelessly transfer patient data from a LIFEPAK® 12 to a tablet PC running LIFENET® EMS ePCR (electronic patient care report) to provide a complete pre-hospital patient record. Additionally, LIFENET Blue provides EMS teams the ability to wirelessly transmit patient data from a LIFEPAK 12 defibrillator/monitor via a Bluetooth-enabled cell phone to a remote LIFENET RS Receiving Station in a hospital emergency department.

"LIFENET BLUE uses data encryption and frequency hopping to protect the confidentiality of vital patient information," said Robert White, president of Medtronic's Emergency Response Systems business unit. "This product upgrade will allow EMS personnel to quickly download critical clinical information to the LIFENET system and potentially cut their in-hospital turnaround time."

Unlike other wireless patient data transmission products currently on the market, LIFENET BLUE sends information directly from the LIFEPAK 12 with no need for the user to purchase an iPAQ PC to assist in data transmission. The LIFENET BLUE technology also allows emergency medical personnel uninterrupted focus on patient care while 12-lead ECGs and vital statistics are transmitted.

Medtronic launched its medical informatics product LIFENET EMS in November 2003. LIFENET EMS combines powerful mobile data collection software with a rugged, touch-screen mobile PC. The system enables EMS teams and first responders to electronically capture patient information at the scene of an emergency and wirelessly transfer it to clinical and operational staff for in-depth data management and reporting.

"Medical informatics is a growing area for us, and we anticipate the launch of a number of exciting new products over the next few years," White said

LIFENET BLUE is an economical upgrade to the LIFEPAK 12 and is part of an integrated Medtronic LIFEPAK system of emergency response products that includes LIFENET EMS and LIFENET RS. Medtronic LIFEPAK products are used by 9 out of the top 10 EMS teams in the United States.

Medtronic's Emergency Response Systems business unit located in Redmond, Wash., pioneered defibrillation technology nearly 50 years ago. With 450,000 LIFEPAK defibrillators distributed worldwide, Medtronic is the world's leading provider of external defibrillators for the treatment of sudden cardiac arrest. To learn more about LIFENET EMS, go to www.lifenetems.com. To find out more about Medtronic Emergency Response Systems, go to www.medtronic-ers.com or call 1-800-442-1142. Medtronic, Inc., headquartered in Minneapolis, is the world's leading medical technology company, providing lifelong solutions for people with chronic disease. Its Internet address is

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www.medtronic.com.

Any statements made about the company's anticipated future products and market growth are forward-looking statements subject to risks and uncertainties such as required regulatory approval and those described in Medtronic's Annual Report on Form 10-K for the year ended April 25, 2003. Actual results may differ materially from anticipated results.

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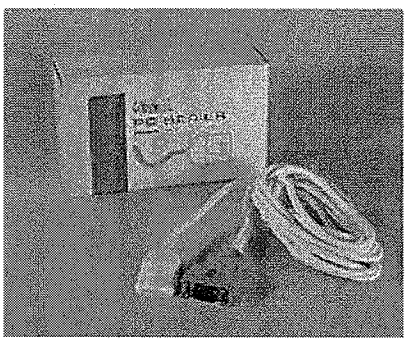
Masimo SET® SpO2 Patient Cable - 8 ft.

Eight (8) foot patient cable with Masimo sensor connector. Works with either reusable or disposable sensors.



Catalog: 11171-000008
PN: 3201655-001

Associated Products
LIFEPAK® 12
Defibrillator/Monitor Series

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News Release

Medtronic Media Contacts:
Jeff Warren, Investor Relations, 763-505-2696
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Medtronic Unveils The LIFEPAK® 1000 Defibrillator

Adding to its advanced patient-focused solutions for professional emergency responders

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Medtronic, Inc. 2006

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Image Library

Contact:
Joyce Szymanski, null, null

Medtronic LIFEPAK® 12

The following images are made available to provide reporters with visual resources on the range of Medtronic therapies and the conditions they treat.

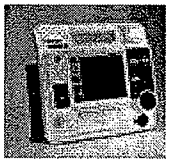

Photo Caption:
Medtronic LIFEPAK® 12

Courtesy Medtronic, Inc.

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Medtronic LIFEPAK CR Plus™

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Medtronic LIFEPAK CR Plus™

Courtesy Medtronic, Inc.

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Medtronic LIFEPAK® 20

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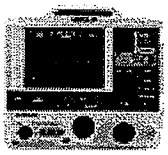

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Medtronic LIFEPAK® 20

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Medtronic LIFEPAK CR Plus™ (Placement)

The following images are made available to provide reporters with visual resources on the range of Medtronic therapies and the conditions they treat.

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Medtronic LIFEPAK CR Plus™ - Placement of electrodes

Courtesy Medtronic, Inc.

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News Release

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Joyce Szymanski, Public Relations,
Lindsay Caulfield, GCI Group Media Relations, 323-761-7491

Medtronic Launches Industry-First Liability Protection For Corporate AED Customers

Heart Safe Solutions® indemnifies customers from AED-related claims, allows risk managers to focus on life-saving technology

REDMOND, Wash., April 19, 2005 – The world's leading maker of life-saving automated external defibrillators or AEDs, has introduced the first program to protect companies that deploy the devices to help treat the up to 450,000 victims of Sudden Cardiac Arrest each year.

Medtronic, which has distributed over 500,000 LIFEPAK® defibrillators worldwide, unveiled its new indemnification program at RIMS 2005, the nation's largest meeting of insurance executives and risk managers.

"The biggest barrier to full-scale adoption of cost-effective, life-saving AEDs has been a misguided fear that companies expose themselves to liability claims if they adopt the technology," said Brian Webster, Vice President of Medtronic Emergency Response Systems' commercial business. "Our indemnification program protects companies from liability risks resulting from AED use, allowing corporate risk managers and human resource executives to focus on the real issue we face in America: fighting one of the nation's leading causes of death and increasing workplace safety. Our goal is to save as many as possible of the up to 450,000 lives lost to SCA each year. AEDs are the only technology proven to effectively treat SCA and help save those lives."

The indemnification program, available to Heart Safe Solution customers, protects qualified participants from claims arising directly from personal injuries to patients which occur during the use of the devices. The Heart Safe Solution, available to commercial customers, is a unique package of training and support services developed so our customers can rely on the LIFEPAK® AED. This unique Medtronic solution also assists companies in meeting federal, state and local AED requirements.

"This unique package of services and protection eliminates the barrier to adopting AEDs by reducing our customers' liability for fundamentally doing the right thing," said Webster. "And the deployment of LIFEPAK® AEDs delivers a powerful, positive message to employees, who understand that the placement of these devices shows that our customers' companies are committed to their well-being."

Sudden Cardiac Arrest and AEDs

Although not everyone can be saved from sudden cardiac arrest, studies show that early defibrillation can dramatically improve survival rates. Today, out-of-hospital survival rates from sudden cardiac arrest are about five percent, yet recent studies show that over 70 percent of victims may survive when AEDs are accessible and used within three minutes of collapse. The average response time for emergency medical response teams to arrive at the scene of a sudden cardiac arrest is six to 12 minutes. This fact underscores the importance for AEDs in businesses, schools and public places. For more information on sudden cardiac arrest and AEDs, go to http://www.aedhelp.com.

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LIFEPAK AEDs are prescription devices. To receive a prescription, a physician must be consulted. AED users should be trained in CPR and the use of the AED.

About Medtronic

Medtronic's Emergency Response Systems business unit, located in Redmond, Wash., pioneered defibrillation technology 50 years ago. With over 500,000 LIFEPAK defibrillators distributed worldwide, it is the world's leading provider of external defibrillators for the treatment of sudden cardiac arrest. To find out more about AEDs and the LIFEPAK Heart Safe Solutions program, go to www.aedhelp.com or call 1-800-442-1142. Medtronic, Inc. (NYSE: MDT), headquartered in Minneapolis, is the world's leading medical technology company, providing lifelong solutions for people with chronic disease. For more information about Medtronic, visit www.medtronic.com or call 1-800-328-2518.

Any statements made about the company's anticipated financial results and regulatory approvals are forward-looking statements subject to risks and uncertainties such as those described in Medtronic's Annual Report on Form 10-K for the year ended April 30, 2004. Actual results may differ materially from anticipated results.

BACK

Medtronic, Inc. 2006

MICHELSON TECHNOLOGY AT WORK

Our Customers

Medtronic medical devices and cardiac care solutions are used throughout the world by a broad range of caregivers:

- Emergency medical systems personnel: paramedics and BLS-trained emergency providers
- First responders (those first to reach the scene of a cardiac arrest): police, firefighters, security officers, flight attendants, and more
- Hospital staff: physicians, nurses and other first responders
- Medical researchers
- Targeted responders at commercial enterprises where people gather: stadiums, casinos, cruise ships, health clubs, and golf courses Medical providers at urgent care facilities, surgical centers and nursing homes

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UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
Washington, DC 20549

FORM 10-Q

☒ QUARTERLY REPORT UNDER SECTION 13 OR 15(d) OF THE SECURITIES EXCHANGE ACT OF 1934
For the quarterly period ended January 27, 2006

Commission File Number 1-7707

Medtronic

MEDTRONIC, INC.

(Exact name of registrant as specified in its charter)

Minnesota	41-0793183
(State of incorporation)	(I.R.S. Employer Identification No.)

710 Medtronic Parkway
Minneapolis, Minnesota 55432
(Address of principal executive offices)

Telephone number: (763) 514-4000

Indicate by check mark whether the Registrant (1) has filed all reports required to be filed by Section 13 or 15(d) of the Securities Exchange Act of 1934 during the preceding 12 months (or for such shorter period that the Registrant was required to file such reports) and (2) has been subject to such filing requirements for the past 90 days. Yes ☒ No ☐

Indicate by check mark whether the registrant is a large accelerated filer, an accelerated filer, or a non-accelerated filer. See definition of "accelerated filer and large accelerated filer" in Rule 12b-2 of the Exchange Act. (Check one):

Large accelerated filer ☒ Accelerated filer ☐ Non-accelerated filer ☐

Indicate by check mark whether the registrant is a shell company (as defined in Rule 12b-2 of the Exchange Act). Yes ☐ No ☒

Shares of common stock, $.10 par value, outstanding on March 3, 2006: 1,207,011,573

completed by April 19, 2006, and scheduled a status conference for May 22, 2006. No trial date has been set. The Company has not recorded an expense in this matter because any potential loss is not currently probable or reasonably estimable under SFAS No. 5. Separately, on February 1, 2006, MSD filed a lawsuit against Biomet Inc., the corporate parent of Cross (Biomet) and its subsidiary EBISpine, L.P., for patent infringement. The suit, which involves seven Medtronic patents and seeks injunctive relief and monetary damages, was filed in the U.S. District Court for the District of New Jersey. Three of the patents were purchased by Medtronic from Michelson and involve single-lock anterior cervical plating systems used in cervical spinal fusions. Medtronic claims that a cervical plate marketed by Biomet under the trade name VueLock® Anterior Cervical Plate System, and openly promoted as a plate that has a "Secure One Step Locking" mechanism feature, infringes these patents. The other patents involve rod reducer instruments and surgical implantation methods commonly used in spinal surgeries to implant pedicle screws. The lawsuit alleges that Biomet's pedicle screw systems utilize a rod reducer instrument in a variety of lumbar and thoracic spinal fusion surgeries.

On August 19, 2003, Edwards Lifesciences LLC (Edwards) and Endogad Research PTY Limited (Endogad) sued Medtronic Vascular, Cook Incorporated (Cook) and W.L. Gore & Associates, Inc. (Gore) in the U.S. District Court for the Northern District of California. The suit alleges that a patent owned by Endogad and licensed to Edwards is infringed by Medtronic Vascular's AneuRx® Stent Graft and/or Talent™ Endoluminal Stent Graft System, and by products of Cook and Gore. On June 4, 2004, Medtronic filed suit alleging that the inventor of the patent had breached a contract with Medtronic, and seeking to have Medtronic named as a rightful owner of the patent. In January 2006, Medtronic paid $37.5 million to obtain a nonexclusive, royalty free worldwide license to the patents involved in this litigation and to acquire selected assets from Edwards related to an abdominal aortic aneurysm graft delivery system. In connection with these transactions, the parties released all claims related to the foregoing patent litigation.

On September 4, 2003, Medtronic was informed by the Department of Justice that the government is investigating allegations that certain payments and other services provided to physicians by MSD constituted improper inducements under the federal Anti-Kickback Statute. The allegations were made as part of a civil qui tam complaint brought pursuant to the federal False Claims Act. On November 21, 2003, Medtronic was served with a government subpoena seeking documents in connection with these allegations. On September 2, 2004, Medtronic received a copy of a second civil qui tam complaint brought by a second relator asserting similar allegations under the False Claims Act. The Company views the second complaint as having arisen out of essentially similar facts and circumstances as the first qui tam complaint, and believes that the second complaint does not materially expand the nature of the existing inquiry in which the Company is cooperating. The cases remain under seal in the U.S. District Court for the Western District of Tennessee. The Company is cooperating fully with the investigations and is independently evaluating these matters, the internal processes associated therewith, and certain employment matters related thereto, in each case under the supervision of a special committee of the Board of Directors. The Company has not recorded an expense in this matter because any potential loss is not currently probable or reasonably estimable under SFAS No. 5.

On October 2, 2003, Cordis sued Medtronic Vascular in the U.S. District Court for the Northern District of California, alleging that Medtronic Vascular's S7 stent delivery system infringes certain catheter patents owned by Cordis. Pursuant to stipulation of the parties, the Court has stayed the suit and referred the matter to arbitration. The arbitrators have not yet been selected. The Company has not recorded an expense in this matter because any potential loss is not currently probable or reasonably estimable under SFAS No. 5.

On October 15, 2004, Dr. Eckhard Alt filed suit in U.S. District Court for the Eastern District of Texas against Medtronic, Inc. Dr. Alt alleges that certain Medtronic pacemakers and defibrillators infringe four patents Dr. Alt claims he now owns. Dr. Alt is also seeking injunctive relief and monetary damages. Medtronic has filed motions with the Court challenging the scope of Dr. Alt's ownership rights and the allegations that Medtronic is using the technology in any of the patents. Those motions remain pending and the timing of a decision is unknown. Trial is scheduled for May 15, 2006. On February 15, 2006, Dr. Alt filed a second lawsuit in U.S. District Court for the Eastern District of Texas against Medtronic, Inc. alleging that certain Medtronic defibrillators infringe one other patent in which Dr. Alt claims to have certain rights. Medtronic was served with a complaint for this second lawsuit on March 3, 2006, but no trial date or other deadlines have been set for this second lawsuit. The Company has not recorded an expense in either matter because any potential loss is not currently probable or reasonably estimable under SFAS No. 5.

On February 11, 2005, Medtronic voluntarily began advising physicians about a potential battery shorting mechanism that may occur in a subset of implantable cardioverter defibrillators (ICDs) and cardiac resynchronization therapy defibrillators (CRT-Ds), including certain of the Marquis VR/DR and Maximo VR/DR ICDs and certain of the InSync I/II/III Marquis and InSync III CRT-D devices. The Company provided physicians with a list of potentially affected patients and recommended that physicians communicate with those patients so they could manage the potential issue in a manner they felt was appropriate for their individual patients. Subsequent to this voluntary field action, later classified by the FDA as a Class II Recall, a number of lawsuits were filed against Medtronic in various state and federal jurisdictions. The cases were brought either by individuals claiming personal injury or by third party payors seeking reimbursement of costs associated with the field action. The personal injury complaints generally alleged strict liability, negligence, warranty and other common law and/or statutory claims; and seek compensatory as well as punitive damages. Cases filed in federal court (either personal injury or third party payor) have been consolidated before one federal judge under a process known as a Multidistrict Litigation case (MDL). There are 114 federal cases, most of which have been consolidated in the MDL. We expect the remaining federal cases to be transferred to the MDL. There are 26 state court cases that are not part of the MDL. Separate master complaints were filed in the MDL for the personal injury and third party payor claims. The third party payor master complaint contains class allegations and lawyers for the plaintiffs have indicated that they will request the court's permission to amend the personal injury master complaint to add class allegations which were omitted from it. The Company intends to challenge any attempt at class certification because it believes individual issues far outweigh any common issues in the various cases. Cases claiming personal injury will be subject to dismissal in connection with Medtronic's planned summary judgment motion based upon a legal theory of federal preemption. The judge in the MDL has authorized discovery limited to issues associated with federal preemption. Medtronic intends to file a motion for summary judgment in the MDL in March 2006. The motion is expected to be heard in the summer of 2006. Medtronic will also file a motion to dismiss the third party payor cases in March 2006. Additionally, four putative class actions have been filed in Canada. The Company is unaware of any confirmed injury or death resulting from a device failure due to the shorting mechanism that was the subject matter of the field action though certain of the lawsuits make such allegations. The Company has not recorded anexpense in connection with the various Marquis related lawsuits because potential losses are not currently probable or reasonably estimable under SFAS No. 5.

On October 24, 2005, Medtronic received a subpoena from the Office of the United States Attorney for the District of Massachusetts issued under the Health Insurance Portability & Accountability Act of 1996 requesting documents the Company may have, if any, relating to pacemakers and defibrillators and related components; monitoring equipment and services; a provision of benefits, if any, to persons in a position to recommend purchases of such devices; and the Company's training and compliance materials relating to the fraud and abuse and federal Anti-Kickback statutes. The Company intends to fully cooperate with the Office of the United States Attorney for the District of Massachusetts with respect to this subpoena.

In the normal course of business, the Company periodically enters into agreements that require it to indemnify customers or suppliers for specific risks, such as claims for injury or property damage arising out of the Company's products or the negligence of its personnel or claims alleging that its products infringe third-party patents or other intellectual property. The Company's maximum exposure under these indemnification provisions cannot be estimated, and the Company has not accrued any liabilities within the consolidated financial statements. Historically, the Company has not experienced significant losses on these types of indemnifications.

Item 2. Management's Discussion and Analysis of Financial Condition and Results of Operations

Our Business

We are the global leader in medical technology, alleviating pain, restoring health and extending life for millions of people around the world. We function in five operating segments, including Cardiac Rhythm Management (CRM); Spinal, Ear, Nose and Throat (ENT) and Navigation; Neurological and Diabetes; Vascular, and Cardiac Surgery. Through these five operating segments, we develop, manufacture, and market our medical devices in more than 120 countries worldwide, and continue to expand patient access to our products in these markets. Our primary products include those for heart and vascular disease, neurological disorders, chronic pain, spinal disorders, diabetes, urologic and digestive system disorders, and eye, ear, nose and throat disorders.

The primary exchange rate movements that impact our consolidated net sales growth are the U.S. dollar as compared to the Euro and Japanese Yen. The impact of foreign currency fluctuations on net sales is not indicative of the impact on net earnings due to the offsetting foreign currency impact on operating costs and expenses and our hedging activities (see "Quantitative and Qualitative Disclosures About Market Risk" following this management's discussion and analysis under "Item 3" as it relates to our hedging activities).

Forward-looking statements are subject to risk factors (see "Risk Factors" set forth in this Quarterly Report on Form 10-Q).

Cardiac Rhythm Management

CRM products consist primarily of pacemakers, implantable and external defibrillators, leads, and information systems for the management of patients with our devices. CRM net sales for the three and nine months ended January 27, 2006 increased by $113.3 million and $470.4 million, or 10% and 14%, respectively, over the same periods in the prior year. Foreign currency translation had an unfavorable impact on net sales for the three and nine months ended January 27, 2006 of approximately $34.0 million and $22.9 million, respectively, when compared to the same periods in the prior year. The growth in net sales for the three and nine months ended January 27, 2006 was driven by a 21% and 28%, respectively, increase in net sales of defibrillation systems, led by continued acceptance of the Maximo™, Intrinsic™ and EnTrust™ families of implantable cardioverter defibrillators (ICDs) and the InSync Sentry™ cardiac resynchronization therapy defibrillator (CRT-D). Defibrillation system sales for the nine months ended January 27, 2006 also benefited from dynamics in the marketplace which forced one key competitor off the market for a portion of this period. Pacing net sales for the three and nine months ended January 27, 2006 were down 1% and up 1%, respectively, in comparison to the same periods in the prior year. The relatively flat performance exceeded the overall decline in the market, driven by net sales of the EnRhythm® pacemaker, and the regulatory approval of the Kappa® 900 pacemaker family in the Japanese marketplace during the first quarter of fiscal year 2006. The EnRhythm pacemaker was first released in the U.S. during May 2005.

Emergency Response Systems net sales declined $3.8 million and $18.0 million, or 4% and 6%, respectively, during the three and nine months ended January 27, 2006 as a result of vendor product performance issues. These supply issues resulted in a continued stoppage in shipments of several key products during the quarter and as a result we exited the quarter with approximately $25.0 million of orders on backlog. We began shipping several key products by the end of the quarter, and anticipate shipping backlog orders in the fourth quarter of fiscal year 2006 with a return to positive growth.

Looking ahead, we expect our CRM operating segment to benefit from the following:

- Continued acceptance of the InSync Sentry CRT-D, which is the world's first implantable medical device offering automatic fluid status monitoring (OptiVol™) in the chest area encompassing the heart and lungs. InSync Sentry represents an increasing percentage of our total defibrillation system sales, and provides what we believe to be an advantage in managing heart failure since thoracic fluid accumulation is a primary indicator of worsening heart failure and often results in patient hospitalization. The results of the Medtronic Impedance Diagnostics in Heart Failure Clinical Trial (MIDHeFT) were published in the first quarter of fiscal year 2006, and these results indicated that our OptiVol Fluid Status Monitoring capability in the InSync Sentry was successful in warning of fluid accumulation an average of 15 days before heart failure symptoms appeared, and 18 days before hospitalization.

- Continued acceptance of the Intrinsic and EnTrust ICDs, and EnRhythm pacemaker, which all feature Managed Ventricular Pacing (MVP™). MVP is a new pacing mode designed to promote natural heart activity by minimizing unnecessary right ventricular pacing. The EnTrust ICD, released in the U.S. in June 2005, offers the features of and the ability to provide anti-tachycardia pacing (ATP) while charging. ATP is a process of using pacing pulses to painlessly terminate dangerously fast heart rhythms originating in the ventricle.

- Continued acceptance of the Medtronic CareLink Service and the recently announced U.S. approval of CardioSight™. The Medtronic CareLink Service enables patients, as instructed by their physician, to transmit data from their implantable device anywhere in the U.S. using a portable monitor that is connected to a standard telephone. Within minutes, the patient's medical team can view patient and device diagnostic data on a secure Internet website. CardioSight is a unique monitoring system designed to facilitate a heart failure clinic's evaluation of patients with InSync Sentry and its OptiVol™ Fluid Status Monitoring capability.

- Acceptance of the Adapta™, Versa™, and Sensia™ lines of pacemakers, which were introduced to the European market during the third quarter of fiscal year 2006. In addition to offering MVP, these products incorporate automatic features designed to help physicians improve pacing therapy and streamline the patient follow-up process, potentially minimizing the amount of time spent in a physician's office. The U.S. introduction of these products is expected in the fourth quarter of fiscal year 2006.

- Future acceptance of the Concerto™ CRT-D and Virtuoso™ ICD, which are expected to be introduced in the European market during the fourth quarter of fiscal year 2006. These product lines will be the first to offer Conexus™ Wireless Telemetry, which allows for automatic wireless data transmission upon implant, during in-office follow-up visits and to the patient's home monitor. Device data is then transmitted to the clinician using the Medtronic CareLink Service, the first internet-based system to help physicians and patients better manage chronic cardiovascular disease. The Concerto/Virtuoso line is expected to be commercially available in the U.S. in calendar year 2007.

Spinal, ENT, and Navigation

Spinal, ENT, and Navigation products include thoracolumbar, cervical and interbody spinal devices, bone graft substitutes, surgical navigation tools, and surgical products used by ENT physicians. Spinal, ENT, and Navigation net sales for the three and nine months ended January 27, 2006 increased by $92.2 million and $294.3 million, or 17% and 19%, respectively, over the same periods in the prior year. Foreign currency translation had an unfavorable impact on net sales for the three and nine months ended January 27, 2006 of approximately $7.6 million and $4.8 million, respectively, as compared to the same periods in the prior year. The majority of the net sales increase in the segment was driven by our Spinal business, which grew 19% and 21% for the three and nine months ended January 27, 2006, respectively, over the same periods in the prior year. This increase reflects solid growth across our portfolio of product offerings including continued strong acceptance of INFUSE® Bone Graft, steady growth in net sales of our CD HORIZON® LEGACY™ Spinal System family of products for thoracolumbar stabilization, our Minimal Access Spinal Technologies (MAST™) family of products, our cervical stabilization family of products including the VERTEX® Max Reconstruction System and MYSTIQUE™ Resorbable Graft Containment Plating System and the increasing acceptance of the CAPSTONE® Vertebral Body Spacer. ENT net sales for the three and nine months ended January 27, 2006 increased by 8% and 12%, respectively, compared to the same periods in the prior year. The primary drivers of the increase in ENT net sales were continued physician acceptance of the NIM-Response® 2.0 Nerve Integrity Monitor and XPS® Powered ENT System. Navigation net sales for the three and nine months ended January 27, 2006 increased 14% and 11%, respectively, compared to the same periods in the prior year. The increases in Navigation net sales were due to balanced growth across all product lines.

Looking ahead, we expect our Spinal, ENT, and Navigation operating segment to benefit from the following:

- Continued acceptance of the INFUSE Bone Graft for spinal fusion and certain types of acute tibia fractures.

- Continued acceptance of the MYSTIQUE Resorbable Graft Containment Plating System, for cervical spine fusions, released in August 2005. This new plating system uses a high-tech biologic material that is resorbed by the body over time and alleviates the need for a permanent implant in the patient's

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
Washington, DC 20549

FORM 10-Q

☒ QUARTERLY REPORT UNDER SECTION 13 OR 15(d) OF THE SECURITIES EXCHANGE ACT OF 1934
For the quarterly period ended July 28, 2006

Commission File Number 1-7707

Medtronic

MEDTRONIC, INC.
(Exact name of registrant as specified in its charter)

Minnesota
(State of incorporation)

41-0793183
(I.R.S. Employer
Identification No.)

710 Medtronic Parkway
Minneapolis, Minnesota 55432
(Address of principal executive offices)

Telephone number: **(763) 514-4000**

Indicate by check mark whether the Registrant (1) has filed all reports required to be filed by Section 13 or 15(d) of the Securities Exchange Act of 1934 during the preceding 12 months (or for such shorter period that the Registrant was required to file such reports) and (2) has been subject to such filing requirements for the past 90 days. Yes ☒····· No ☐

Indicate by check mark whether the registrant is a large accelerated filer, an accelerated filer, or a non-accelerated filer. See definition of "accelerated filer and large accelerated filer" in Rule 12b-2 of the Exchange Act. (Check one):

Large accelerated filer ☒·····Accelerated filer ☐·····Non-accelerated filer ☐

Indicate by check mark whether the registrant is a shell company (as defined in Rule 12b-2 of the Exchange Act). Yes ☐·····No ☒

Shares of common stock, $.10 par value, outstanding on August 31, 2006: 1,149,343,210

	July 28, 2006	July 29, 2005
Numerator:		
Net earnings	$ 599	$ 321
Denominator:		
Basic – weighted average shares outstanding	1,153.8	1,210.5
Effect of dilutive securities:		
Employee stock options	8.8	9.7
Shares issuable upon conversion of old debentures	0.7	0.7
Other	1.5	1.7
Diluted – weighted average shares outstanding	1,164.8	1,222.6
Basic earnings per share	$ 0.52	$ 0.26
Diluted earnings per share	$ 0.51	$ 0.26

The calculation of weighted average diluted shares outstanding excludes options for approximately 38 million and 3 million common shares for the three months ended July 28, 2006 and July 29, 2005, respectively, as the exercise price of those options was greater than the average market price for the period, resulting in an anti-dilutive effect on diluted earnings per share.

Note 13 — Segment and Geographic Information

Segment information:

During the fourth quarter of fiscal year 2006, the Company revised its operating segment reporting related to the Neurological and Diabetes operating segment and the Spinal, Ear, Nose and Throat (ENT) and Navigation operating segment. As a result, the Company now maintains seven operating segments, which are aggregated into one reportable segment—the manufacture and sale of device-based medical therapies. The information for the three months ended July 29, 2005 has been reclassified to conform to the current presentation of seven operating segments. Each of the Company's operating segments has similar economic characteristics, technology, manufacturing processes, customers, distribution and marketing strategies, regulatory environments, and shared infrastructures. Net sales by operating segment were as follows (dollars in millions):

	Three months ended	
	July 28, 2006	July 29, 2005
Cardiac Rhythm Disease Management	$ 1,250	$ 1,268
Spinal and Navigation	599	524
Neurological	276	235
Vascular	280	205
Diabetes	196	173
Cardiac Surgery	168	165
Ear, Nose and Throat	128	120
	$ 2,897	$ 2,690

Net Sales

Forward-looking statements are subject to risk factors (see "Cautionary Factors That May Affect Future Results" set forth in our Form 10-K for the year ended April 28, 2006).

Cardiac Rhythm Disease Management

CRDM products consist primarily of pacemakers, implantable and external defibrillators, leads, ablation products, electrophysiology catheters, navigation systems and information systems for the management of patients with our devices. CRDM net sales for the three months ended July 28, 2006 of $1.250 billion decreased $18 million or 1% as compared to the same period in the prior fiscal year. Foreign currency translation had a favorable impact on net sales for the three months ended July 28, 2006 of approximately $3 million when compared to the same period in the prior fiscal year. The decrease in CRDM net sales was due to a decrease in sales of ICDs, our largest product line. ICD net sales of $673 million were down $45 million or 6% from $718 million in the first fiscal quarter of 2006. The decline in ICD net sales were primarily due to a $76 million or 13% decline in U.S sales partially offset by strong ICD net sales outside the U.S. of $178 million growing 21% over revenue outside the U.S. of $147 million in the prior year fiscal first quarter.

A lower implant rate affected our net sales as approximately 80% of our ICD revenue is recognized upon implant. The remaining 20% of our ICD revenue comes from hospitals that buy and hold inventory. Historically, hospital inventory levels have been consistent, and we have experienced little fluctuation in activity; however, in the first fiscal quarter of 2007 many of our hospital customers were unwilling to purchase and hold inventory at historical levels. We believe hospital inventories decreased as a result of decreasing implant rates and the pending in-patient reimbursement rule from CMS and the uncertainty surrounding it. While we expect the U.S ICD market to accelerate from first quarter levels, the timing and magnitude of acceleration cannot be predicted.

Pacing system net sales for fiscal first quarter 2007 increased by 3% over the first quarter of the prior fiscal year to $460 million. The increase in first quarter pacing system net sales is primarily due to the continued acceptance of the EnRhythm pacemaker, which was released in the U.S. in May 2005, and the Adapta pacemaker family, introduced in certain markets outside of the U.S. in the third quarter of fiscal year 2006. Both sets of products offer Managed Ventricular Pacing (MVP), an atrial based pacing mode that significantly reduces unnecessary pacing in the right ventricle while providing the safety of a dual chamber backup if necessary. Clinical studies have suggested that reducing this pacing stimulation decreases the risk of developing heart failure and atrial fibrillation, a potentially life-threatening irregular heartbeat. Net sales from emergency response systems in fiscal first quarter 2007 were $101 million, a 16% increase over the same period last fiscal year.

Looking ahead, we expect our CRDM operating segment should benefit from the following:

- Continued acceptance of the Intrinsic and EnTrust ICDs, InSync CRT-D and EnRhythm pacemaker.

- Continued expansion of the Medtronic Carelink® Network, available on both pacing and ICD platforms. As of the end of the fiscal first quarter nearly 1,000 clinics were monitoring over 80,000 patients in the U.S on the Carelink® network.

- Future acceptance of the Concerto™ and Virtuoso™ line of ICDs commercially launched in Europe and in the U.S in fiscal first quarter 2007. These are Medtronic's first devices with wireless telemetry, enabling remote communication between the implanted device and programmers in a clinician's office and at implant, or between the device and a patient home monitor.

- Future U.S. acceptance of Adapta™, Versa™ and Sensia™ pacemakers which all received FDA approval in the first fiscal quarter of 2007 and were launched in the U.S. in August 2006. These pacemakers were introduced to the European market during the third quarter of fiscal 2006. Each pacemaker provides physiologic pacing adapted to the needs of individual patients and includes an exclusive Managed Ventricular Pacing (MVP) mode.

- Future acceptance of the LIFEPAK® 1000 external defibrillator introduced in the U.S during fiscal first quarter 2007. The LIFEPAK 1000 is designed for professional emergency responders and includes novel technology to improve response times in treating Sudden Cardiac Arrest.

Annual Report 2006

EXHIBIT 5 PAGE 18 OF 19

	sudden cardiac arrest and arrhythmias	heart failure
description	Arrhythmias are irregular heart rates, usually too slow or too fast. Fast heart rates can lead to sudden cardiac arrest, in which the lower chambers of the heart stop pumping blood. The condition can cause death in as little as five minutes and afflicts more than 1 million people worldwide each year. Today, less than 20 percent of patients who have indications for an implanted defibrillator typically receive one.	Progressive deterioration of the heart's pumping ability, often because the two lower chambers don't beat in synchrony. Afflicts nearly 22 million people worldwide, one-fifth of whom are also at risk for sudden cardiac arrest. Today, approximately 5 percent of patients with indications for heart failure device therapy have actually received it.
medtronic solutions	**Implantable cardioverter-defibrillators (ICDs).** Devices that continually monitor patients at high risk of sudden cardiac arrest. When an irregular rhythm is detected, the device sends an electrical shock to the heart to restore normal rhythm. **Automated external defibrillators (AEDs).** Devices that send an electrical shock to the heart to restore normal rhythm. Designed for minimally trained rescuers and trained first responders. **Pacing therapy.** Implanted pacemakers that send mild electrical stimulation to the heart to restore normal rhythm.	**Cardiac resynchronization therapy (CRT).** Implanted devices that help the heart chambers beat in synchrony. **Cardiac resynchronization therapy with defibrillator back-up (CRT-D).** Implanted devices that combine pacing and ICD therapy. **CRT-D with fluid monitoring.** The industry's first implanted devices that combine pacing, ICD therapy and fluid monitoring. Sensors detect fluid in the lungs so physicians can treat it early to avoid costly hospitalization and provide better care. (See patient story at left.)
what's next	**Reducing ICD shocks through refined detection.** In recent clinical trials, patients experienced fewer shocks with a new ICD that can better distinguish between life-threatening fast heart rhythms and less severe ones that can be treated with more mild pacing therapy. **Making LIFEPAK® AEDs more accessible to save more lives.** We're expanding our 42 percent penetration of Fortune 1000 companies, and have agreements with SAM'S CLUB, Costco, Walgreens and ADT Home Security Systems to increase use in homes. **Improving pacing therapies.** Enhancements include lower-power microprocessors, advanced pacing modes and devices that aren't adversely affected by magnetic resonance imaging (MRI).	**Increasing awareness of CRT-D benefits among heart failure physicians.** We continue to educate physicians about the landmark Sudden Cardiac Death in Heart Failure Trial (SCD-HeFT), which showed ICD therapy with Medtronic devices reduced death by 23 percent among heart failure patients at risk for sudden cardiac arrest. As a result, Medicare now covers ICD therapy for this group. **Taking fluid monitoring one step further.** Our new Chronicle® stand-alone device monitors for increased blood pressure in the heart, which is present several days before fluid accumulates in the lungs. We expect a U.S. market release in 2007.

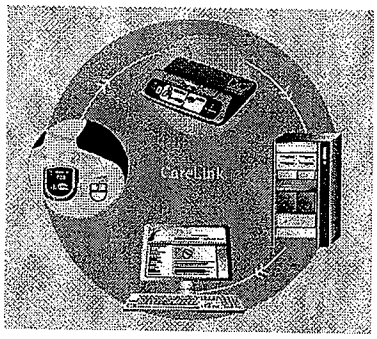
technology spotlight

Medtronic CareLink Service coordinates care for heart failure patients at risk of sudden cardiac arrest

One of the challenges in treating heart failure patients at risk of sudden cardiac arrest is coordinating care between their physicians and the electrophysiology specialists who oversee ICD and CRT-D devices.

The Medtronic CareLink Service makes coordinated care possible. It allows CRT-D patients to transmit device data over a standard phone line to a secure server, where authorized clinic staff can access the data—so everyone on the patient's healthcare team has the same information. We recently gained FDA approval for an improved wireless version, which should be even more convenient. It allows patients to send data using the internationally recognized Medical Implant Communications Services radiofrequency band, which helps ensure reliable transmission of patient data with minimal interference.

The Medtronic CareLink Service is also available for use with pacemakers and insulin pumps. Users of our Paradigm 515/715 insulin pumps can download data to a secure network for viewing and printing reports. In 2006, they will be able to share the data with their physicians online.



Using the Medtronic CareLink Service, patients download device data over a standard phone line to a secure server at their clinic, where authorized staff can access the information.

Conferences - 2006

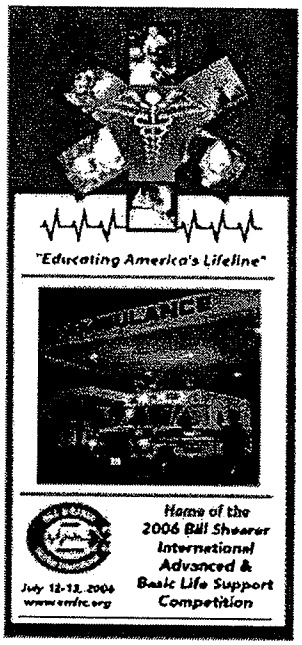
ClinCon

ClinCon 2006
July 13-16, 2006
Orlando, FL
Renaissance Orlando Resort at Seaworld

:: Attendees
Register Here

:: Exhibitors
Register Here

Overview
ClinCon 2006 is designed to create an educational experience that will help EMS Personnel provide the highest quality prehospital care to their patients. The time has come for practical, research based clinical street medicine to be practiced by every prehospital care provider.



Who Should Attend
Paramedics, EMT's Firefighters, EMS/Fire Administrators, EMS Medical Directors, EMS Educators, Emergency Physicians, Emergency Physician Assistants, Emergency Nurses, First Responders and other Allied Health Professionals interested in learning practical, research based clinical street medicine.

When

July 2006

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	101	1	121	31	4	15
161	71	8	192	02	1	22
232	42	5	262	72	8	29
303	1					

Add to Calendar

Where
Renaissance Orlando Resort at Seaworld
6677 Sea Harbor Drive

EXHIBIT 6 PAGE 1 OF 18

Orlando, FL 32821
(800) 468-3571 - Hotel
(800) 266-9432 - Reservations

Directions

Reserve Hotel

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Emergency Medicine Learning and Resource Center

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Florida Professional Firefighters & EMS Personnel
Inovise Medical Inc.
ITLS of Florida
JEMS Communications
Masimo
Medtronic

Attendee Information

Register Here Register

Fees Fees

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Exhibitor Information

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Download PDF Current Exhibit Hall Layout *150Kb* ...*

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Cancellation Policy
It is the policy of the Florida Emergency Medicine Foundation to give a refund only if the request is made in writing to the conference registrar 1 (one) week prior to the conference. For all cancellations an administrative fee of $75.00 will be retained.

Get Adobe Reader *Adobe Acrobat Reader 6.0 required to view pdfs...

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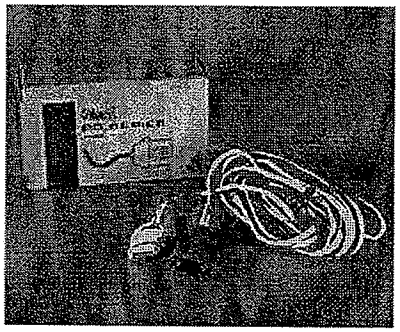
Masimo SET® SpO2 Patient Cable - 12 ft.

Twelve (12) foot patient cable with Masimo sensor connector. Works with either reusable or disposable sensors.



Catalog: 11171-000009
PN: 3201655-002

Associated Products
LIFEPAK® 12
Defibrillator/Monitor Series

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EXHIBIT 6 ,PAGE 3 OF 18

Enter Keyword(s):

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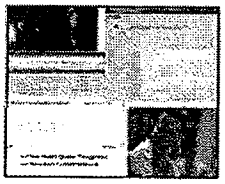
Articles



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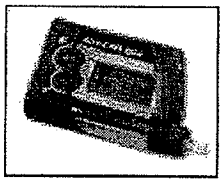
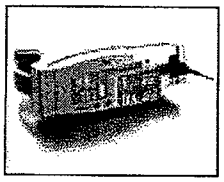
New Product Profiles



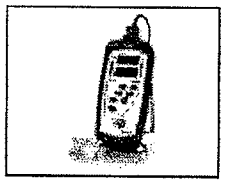
ACCU-CHEK® Spirit Insulin Pump
Roche Diagnostics

The first ACCU-CHEK branded insulin pump, the ACCU-CHEK Spirit insulin pump system, is now available in the United States. This new diabetes self-management system includes an insulin pump, a blood glucose monitor, and software with a bolus calculator -- everything needed for monitoring, analysis and insulin delivery as well as a choice of features that are important to people considering insulin pump therapy.



Masimo Rainbow ™ SET Radical-7 Pulse CO-Oximeter™
Masimo Corporation

Two new Radical-7 bedside monitors with different user interfaces including a color display will be available with Masimo SET with Rainbow technology, the first and only way for clinicians to continuously and noninvasively monitor their patients' carboxyhemoglobin (SpCO), methemoglobin (SpMet), oxygen saturation (SpO2), pulse rate, and perfusion index.



Masimo Rainbow ™ SET Rad-57 Pulse CO-Oximeter™
Masimo Corporation

Masimo is proud to introduce the next breakthrough in noninvasive patient monitoring; Masimo Rainbow™ SET Pulse CO-Oximetry™. Rainbow technology combines the latest in system theory, adaptive signal processing and a revolutionary sensor that employs eight wavelengths of light to collect and analyze an extraordinarily rich stream of physiological data. Sophisticated processing of this data permits Rainbow SET's unique ability to accurately measure carbon monoxide (SpCO™), methemoglobin (SpMet™) and potentially other future parameters.

BedTracking *mobile*™
TeleTracking Inc.

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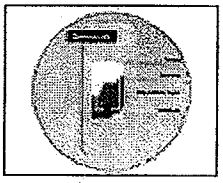
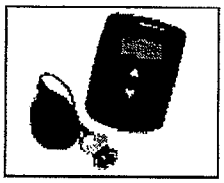


Sensium™ Ultra Low Power Sensor Interface and Transceiver Platform
Toumaz Technology Ltd

The Sensium™ is an ultra low power sensor interface and transceiver platform for a wide range of applications in the medical and professional healthcare area. The device includes a reconfigurable sensor interface, digital block with 8051 processor and an RF transceiver block. On chip program and data memory permits local processing of signals. This capability can significantly reduce the transmit data payload.

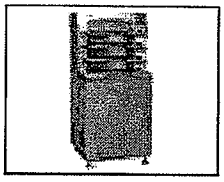
Together with an appropriate external sensor the Sensium™ can provide ultra low power monitoring of ECG, temperature, blood glucose and oxygen levels. It can also interface to 3 axis accelerometers and pressure sensors and includes a temperature sensor on chip.

One or more Sensium™ enabled digital plasters continuously monitor key physiological parameters on the body and report to a basestation Sensium™ plugged into a PDA or Smartphone. The data can be further filtered and processed there by application software.



Guardian® RT Continuous Glucose Monitoring System
Medtronic MiniMed

The Guardian RT continuous glucose monitoring system allows you to take action to control your glucose levels, reduce your highs and lows — overnight, after meals, anytime — and protect your health... today and tomorrow. The Guardian RT System displays updated glucose readings every five minutes, and alarms when levels become too high or too low. With this information, you can take action to reduce overnight lows... or after-meal highs. Discover the freedom and flexibility of eating when you want, sleeping when you want. The knowledge you gain from the Guardian RT System gives you greater peace of mind and the confidence of knowing that you're managing your diabetes as effectively as possible at all times.



ClearView-CSm
FUJIFILM Medical Systems USA, Inc.

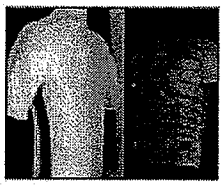
Premium Digital X-ray for High Volume Environments

This high-capacity system is ideal for any environment where visualization of fine details is critical. With a throughput of up to 80 imaging plates per hour, the ClearView-CSm is fast enough for the busiest departments. It also features an independent cassette driver system for redundancy and a small footprint for flexible siting.

Triage® TOX Drug Screen

EXHIBIT 6 PAGE 5 OF 18

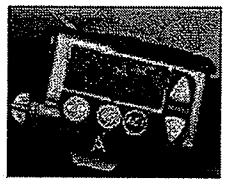
precursor lesions and other cytologic categories and conditions defined by The 2001 Bethesda System: terminology for reporting results of cervical cytology. The MonoPrep Pap Test produces slides that are intended to replace conventionally prepared Pap smear slides.



SmartShirt System™
Sensatex, Inc.

The SmartShirt System makes it possible to remotely monitor a wearer's movement, heart rate, and respiration rate in real-time through a patented nanotechnology conductive fiber grid that is seamlessly knit into the material of the fully washable shirt.

Possible uses for the system include home health monitoring for the elderly, observing outpatients in post-operative and chronic illness situations, training support for athletes, remote monitoring for first responders, hazard materials workers, and soldiers in the field, and watching professional truck drivers' vital signs to alert them of fatigue.



Paradigm® REAL-Time Insulin Pump and Continuous Glucose Monitoring System
Medtronic MiniMed

The MiniMed Paradigm REAL-Time System is the world's first system that integrates an insulin pump with REAL-Time continuous glucose monitoring. The first part of the system is the MiniMed Paradigm REAL-Time 522 or 722 insulin pump, built on the MiniMed Paradigm platform with all the features you expect from a "smart" insulin pump. The second part of the system is the optional REAL-Time Continuous Glucose Monitoring component, which offers REAL-Time glucose readings, safety alarms, and glucose trend data.

SeleniumHealth™ Selenium Test for Prostate Health
Bostwick Laboratories, Inc.

The first selenium test that predicts prostate cancer risk, SeleniumHealth™, is now available exclusively from Bostwick Laboratories, Inc., an international diagnostic pathology laboratory. A man simply trims one or more toenails and submits the clippings for selenium content. SeleniumHealth™ is provided by Bostwick Laboratories, Inc. under license from the Gerald P. Murphy Cancer Foundation.

A man's risk of prostate cancer is modifiable. If he has too little selenium he can supplement his diet, and if he has too much selenium he can stop selenium supplementation.

Platelet Aggregation Profiler® Model PAP-8E
Bio/Data Corporation

EXHIBIT 6, PAGE 6 OF 18

The Premier Human Capital Management Provider

Customers By Industries

Organizations in every industry continue to be challenged to improve bottom-line results. Successful organizations drive performance by aligning people to key business initiatives and strategies.

Leading commercial, educational and public sector organizations around the world rely on Saba for Human Capital Management (HCM) software and services, which use a people-centric approach to increase productivity and performance.

A partial customer list appears below:

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Allianz Group
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Banesto
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Bank of Tokyo-Mitsubishi UFJ

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Allina Hospitals & Clinics
Catholic Healthcare Partners
DePuy Spine
Eclipsys
Empire HealthChoice, Inc.
Guidant Corporation
HCA
Kaiser Permanente

High Technology
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Autodesk
BMC Software
Cisco Systems
Cognex
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Dell
EDS
EMC

Life Sciences
Amgen
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Chiron
Hill-Rom
Masimo
Medtronic
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Companhia Vale do Rio Doce (CVRD)
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Australian Defence Organisation
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Cadbury Schweppes
ConAgra Foods
CVS/pharmacy
FedEx Kinko's
Flight Centre

Telecommunications
ACT Teleconferencing
Alcatel
Alltel Corporation
Deutsche Telekom
Embratel
France Telecom
Hughes Supply
Innovatia

Universities / Education
Bentley College
California State University
Capitol College
Graduate School, USDA
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Sample Customer List:

Healthcare IT

- GE Healthcare Technologies
- IBM Healthcare & Life Sciences

Medical Device

- Arrow International
- Aspect Medical Systems
- Bausch and Lomb
- Masimo
- Medtronic

Pharmaceutical / Biotech

- MacroGenics
- OriGene Technologies
- Regen Biologics
- Panacea Pharmaceuticals
- Proteus Pharmaceuticals

Government

- Centers for Disease Control and Prevention
- National Institute of Nursing Research
- National Institute on Drug Abuse
- NIH Biomedical Computing Interest Group

Health Systems / Providers

- Advocate Healthcare
- Cardiovascular & Thoracic Surgery Associates
- Cleveland Clinic Health System
  - Center for Corporate Health
  - Cole Eye Institute
  - Department of Plastic Surgery
  - Division of Anesthesia
  - Pain Management Center
- Inova Health System
- Vanderbilt Medical Center

Non-profits / Associations

- American Red Cross
- Anesthesia Patient Safety Foundation

Phone:
301.657.9332

Email:
info@estcomedical.com

EXHIBIT 6 PAGE 8 OF 18

- e-Health Initiative
- Kanter Family Foundation
- Vitreous Society

Other

- Fleishman Hillard
- Delta Point
- Surgical Directions
- Torre Lazur Communications

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Colorado State EMS Conference
November 2-5, 2006
Keystone Resort & Conference Center, Keystone, Colorado

2006 Conference home page

Download Exhibitor Registration Kit

EMS Exhibition

Sponsorships

Conference Planning Committee

Accommodations & Transportation

Preliminary Schedule

Conference Sessions

Conference Faculty

Registration Details & Information

CE Credit

Return to EMSAC home page

Exhibitor & Sponsor Directory

The following companies will be exhibiting at the 2006 Colorado State EMS Conference. Please the list and make plans to visit their booths during the EMS Exhibition.

This list is subject to change

Advanced Data Processing, Inc
Phone: (305) 945-2280, Fax: (305) 521-0775
500 N.W. 165th Street, Suite 102, Miami, FL 33169
www.emsclaims.com

Advanced Data Processing, Inc. has been operating since 1981, when we began processing our first EMS patient accounts, we have been solely committed to the EMS industry since then and have dedicated all of our expertise, resources and technology to the needs and requirements of EMS organizations. We serve clients across the nation and continually demonstrate that ADPI is the top EMS billing company in the United States.

AED Everywhere, Inc.
Phone: (877) 751-5300, Fax: (877) 751-5300
15575 East Peakview Avenue, Centennial, CO 80016
www.aedeverywhere.com

AED Everywhere distributes AEDs and related products and services such as training, oxygen and backpacks.

Affiliated Credit Services, Inc.
Phone: (970) 867-8521, Fax: (970) 867-3301
830 East Platte Avenue, Fort Morgan, CO 80701
www.acscollects.com

Affiliated Credit Services, Inc., (ACS) specializes in Colorado medical debt collection. ACS currently contracts with multiple Colorado EMS entities that need assistance in this area. We have excellent EMS references!

Alliance Medical, Inc.
Phone: (888) 633-6908, Fax: (800) 425-5633
P.O. Box 147, Russellville, MO 65074
www.allmed.net

EMS Equipment and Supplies.

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Life Assist, Inc.
Phone: (800) 824-6016, Fax: (800) 290-9794
11277 Sunrise Park Drive, Rancho Cordova, CA 95742
www.life-assist.com

Life Assist is a full line distributor of emergency medical supplies and equipment.

Life Support Products
Phone: (602) 421-6918, Fax: (623) 547-6469
10759 West Overlin Lane, Avondale, AZ 85323
www.alliedhpi, com

Backboards, rescue equipment, regulators, suction units, demand valves, bag maskes, O2 cylinders.

Masimo
Phone: (949) 297-7328, Fax: (949) 297-7399
40 Parker, Irvine, CA 92618
www.masimo.com

Masimo is the inventor of motion and low perfusion tolerant pulse oximetry. Over 90 independent studies demonstrate the superior performance of Masimo SET pulse oximetry technology Masimo now offers Rainbow SET Pulse CO-Oximetry technology which **noninvasively and continuously measures Methemoglobin and Carboxyhemoglobin, along with** Oxygen Saturation, Pulse Rate and Signal IQ.

Medtronic *Convention Sponsor*
Phone: (800) 442-1142, Fax: (800) 732-0956
11811 Willows Road NE, Redmond, VA 98073
www.medtronic.ers.com

Medtronic offers defibrillators, monitors and state of the art AHA Compliant AEDs.

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Mosby-Jems is a leading publisher of EMS, Fire and Rescue training and educational materials, including books, journals and multimedia products. We offer high quality textbooks and reference materials for initial training as well as continuing education.

Peak Motor Coach, LTD.
Phone: (303) 295-0111, Fax: (303) 295-0362
4700 Brighton Blvd., Denver, CO 80216

Pikes Peak Community College
Phone: (719) 540-7394, Fax: (719) 579-3030

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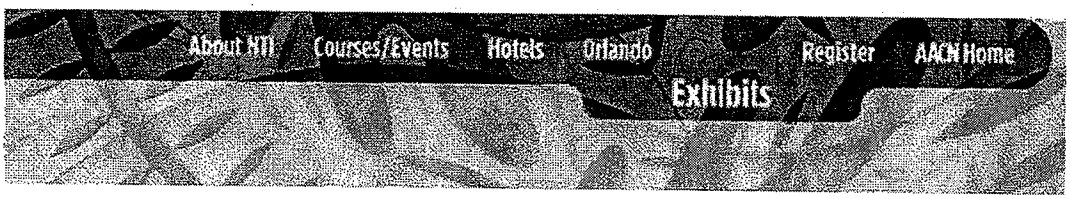

- Exhibit Information
- List Alpha By Exhibitor
- Associations/Societies
- Careers/Nurse Recruiters
- Market Research
- Member Benefits
- Pubs/Educational Resources
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Past NTI Web Sites

San Antonio, TX - 2003
Atlanta, GA 2002
Anaheim, CA 2001

Save $76 when you register by April 6th

Corporate Circle Members and NTI Sponsors

AACN sincerely thanks all sponsors for their support, including Corporate Circle Members who sponsor year-round activities. AACN also thanks the many NTI exhibitors who provide sponsor support for the NTI & Critical Care Exposition every May.

AACN appreciates and recognizes that NTI Sponsor support enhances the annual conference and helps to keep NTI registration fees affordable for NTI nurse participants.

- **AACN Corporate Circle Members and NTI 2004 Sponsors List for Program & Proceedings Book**
- **2004 National Teaching Institute & Critical Care Exposition Sponsorships provided for NTI 2004 in Orlando, FL May 15-20**
- **NTI Special Marketing Opportunities (sold through Slack, Inc.)**
- **ECCO - Essentials of Critical Care Orientation Sponsors**

AACN Corporate Circle Members and NTI 2004 Sponsor List (updated 5/13/04)

AACN sincerely thanks its Corporate Circle Members, many of whom support the association year-round. Most of these companies also contribute NTI sponsorship support each May, providing NTI educational programs, events, activities and participant amenities not otherwise possible. Their support enhances the annual conference and helps keep NTI participant registration fees affordable.

Titanium Level (AACN and NTI Support valued at $500,000 and above)

Nellcor/Tyco Healthcare	Opening Keynote Speaker (co-sponsor in partnership with AACN), Chapter Presidents Luncheon, Hotel Room Video and Tentcard, 175 Pulse Oximeters for AACN *Technology for Nursing Schools* Program

Platimum Level (AACN and NTI Support valued between $250,000 and 499,999)

All Critical Care Expo Exhibitors	Participant/Exhibitor Event (Sea World Outing)

Gold Level (AACN and NTI Support valued between $100,000 and 249,999)

Philips Medical Systems	Sunrise Session, Distinguished Research Lecture & Refreshments, Official NTI Participant Bags, Internet & Computer Unit (ICU), ECG Computer Lab Hardware (co-sponsor of ICU and ECG in partnership with AACN)

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Masimo Corporation	NTI Shuttlebus Panels
Millennium Pharmaceuticals/ Schering Corporation	Sunrise Session
Monster	Cyber Cafe Internet Message Center
Nursing Spectrum/ NurseWeek	Preconference Luncheon, Network Night (co-sponsor in partnership with AACN and Baxter Healthcare), Career Opportunity section of Critical Care Exposition
Ross Products - Division of Abbott Laboratories	Concurrent Session, Pioneering Spirit Awards
Sage Products	Sunrise Session, Concurrent Session
Steris Corporation	NTI Personal Planner (co-sponsor with Draeger Medical)
Stryker Medical	Advanced Practice Institute Reception
The Medicines Company	Sunrise Session
Welch Allyn	Sunrise Session

Corporate Circle Associates (AACN and NTI Support valued $9,999 and below)

ADVANCE Newsmagazine	Information Center, "Send-a-Postcard-to-a-Friend" Feature on NTI Web Site
American Journal of Nursing	Concurrent Session
Atrium Medical Corp.	Certification Luncheon Memento Mugs
Bard Access Systems	Preconference Session (co-sponsor with Edwards Lifesciences)
Biosite Inc.	Concurrent Sessions (3)
Dale Medical	NTI Continuing Education Scholarships
Dallas County Chapter of AACN	NTI Visit by Health Career Students from Orlando Area High Schools
Datascope Corporation	Preconference Session
Fain & Company	ECG Computer Lab Software
Florida Hospital Association	Concurrent Session
Honor Society of Nursing, Sigma Theta Tau International	Critical Care Research Grant (co-funded with AACN)
Integra NeuroSciences	Preconference Session
John A. Hartford Foundation Institute for Geriatric Nursing	NTI Registration Scholarship
Lexi-Comp	PDA Lab Software Programs
Lippincott Williams & Wilkins	Independent Study Center (co-sponsor with AACN), PDA Software Programs
Marsh Affinity Group Services, a service of Seabury & Smith, Inc.	First Timers Orientations (2), Community Service Awards
Medical Wizards Corporation	PDA Lab Software Programs
Medtronic	ECCO - Essentials of Critical Care Orientation Sponsor

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006 Annual Meeting
formation
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Doctor's Bag: Cephalon, Inc., Edwards Lifesciences RMI, Elan Pharmaceuticals, Inc., GlaxoSmithKline/Adolor, Mercury Medical, Minrad, Inc., Olympus Surgical America, Smiths Medical

E-Mail Stations: Pfizer, Inc.

Hotel Key Cards: Endo Pharmaceuticals, Masimo Corporation

Message Centers: Cerner Corporation

Program Book: iMDsoft

Workshops:
Difficult Airway Workshop - Achi Corporation, Two Wu Scope Stations; Diagnostic Ultrasound, Glide scope, monitor, 3-Ett, Cuff syringes, ambu bag; Teleflex Rusch, Two stations of E-Z Tubes, one manikin, one ambu bag, and two cuff syringes. Two stations of four lighted stylette handles, 12 stylets, two endotracheal tubes, two cuff syringes and one manikin; Clarus Medical, Shikani Optical Stylet and a Foley Airway Scope Tool workstation; Engineered Medical Systems, One Cobra workstation: COBRA's, manikins, one ambu bag and two cuff syringes; Karl Storz Endoscopy, Flexible Fiberoptic Laryngoscope, one intubation manikin, tracheal tubes, one light source, one ambu bag and two cuff syringes; Tyco Healthcare, 8 Combitube trainers, 2 manne-quins, 2 Resus. Bags; LMA, Two workstations, with several classic, disposable, intubating, Proseal, and the new C LMAs, one manikin, cuff syringes, video system; Cook Critical, Two

TIMELINE

OCT. 2	Deadline for hotel changes and cancellations
OCT. 3	Deadline for on-line registration and ticktet purchases
OCT 14-18	ASA Annual Meeting
OCT 15	ASA House of Delegates Meeting
OCT 15-17	2006 Exhibit area open
OCT 18	ASA House of Delegates Meeting

stations of several retrograde intubation kits, one manikin, several endotracheal tubes, two cuff syringes and one ambu bag. Two stations of several cricothyroid puncture kits, two cuff syringes and one ambu bag. Two stations of a variety of airway exchange catheters and bougies, several tracheal tubes, two cuff syringes and one ambu bag ENK and NonKinking Jet Ventilation catheters; Laerdal, Two lighted stylet stations; King Systems, Two laryngeal tube workstations

Thoracic Anesthesia Workshop - Cook Critical, Endo-bronchial blockers and tube exchangers; Laerdal, Equipment; Olympus Surgical & Industrial America, Inc., Cameras, scopes and light sources; Tyco Healthcare, Double-lumen tubes; Vitaid, Inc, Equipment

Management of Critical Incidents and Team Interactions in Simulation Workshop - Laerdal, Four Mannequins; Cook Critical,Invasive airway supplies (percutaneous trach kits; GE Healthcare,2 Aestiva gas machines and monitors; Vital Signs, Airway supplies(oral airways, tubes, laryngoscopes, LMA equivalents); ZollMedical, Four defibrillators

Acupuncture Workshop - Helio Medical, Acupuncture needles

Cardiac Pacemaker Workshop - Boston Scientific CRM (Guidant), Programmers and simulators; St. Jude Medical, Two Merlin PC's-Two Cardiac Simulators; Medtronic, Cardiac pacemaker and programmer

Basic Life Support and Advanced Cardiac Life Support Update Workshop - Laerdal, Four Mega Code Kellys and One Sim Man;Philips Medical, Six Philips Medical Defibrillators

Cadaver Workshop - ANS, Spinal cord stimulators; Stryker,Dekompressor, radio-frequency machine and vertebroplasty;Epimed International, Inc., Needles and supplies; GE OEC, EightC-Arms; Medtronic, Stimulators and pumps; Merit Medical,Manometric syringes and monitors; Cardinal, Equipment; ArrowInternational, Catheters and kits; Cosman, 2-RFG-1BRadiofrequencyLesion Generators; Sonosite, Two UltrasoundMachines

Advanced Fiberoptic Laryngoscopy Workshop - Cook Critical, Product Support; Vitaid, Univent tubes; Olympus, Arndt Blockers

Management of the Difficult Pediatric Airway Workshop – Cook Critical Care, Product Support; Olympus, Pediatric intubation scopes with models and a video system

Basic Fiberoptic Laryngoscopy Workshop - Olympus, Funding for computers; Karl Storz Endoscopy, Funding for computers

Pediatric Central and Peripheral Nerve Blocks Workshop - Sonosite, Ultrasound equipment

Peripheral Nerve Blocks Workshop - Philips Medical, ine EnVisor Ultrasound system with one HD11XE ultrasound system; Sonosite, Ultrasound equipment

Evoked Potentials Workshop - Axon Systems, Inc., Five Epoch intraoperative monitoring computers, electrodes for set-up and three support personnel

Beginner Perioperative and Handheld Ultrasound Workshop - Philips Medical Systems, iE33, clinical specialist and scanning mode; Sonosite, Ultrasound equipment; Siemens, Sequoia and Cypress system; GE Healthcare, Two patient models

Transcranial Doppler Ultrasonography Workshop - Nodecrest, Two TCD Machines

Emergency Surgical Airway Management Using a Pig Trachea Model Workshop - Cook Critical, Two dozen MelkerCricothyroidotomy kits

For additional information on the Annual Meeting registration process please review our Frequently Asked Questions.

If you encounter any technical difficulties using this web site please send an email to annmtg@asahq.org for assistance.

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Conferences - 2006

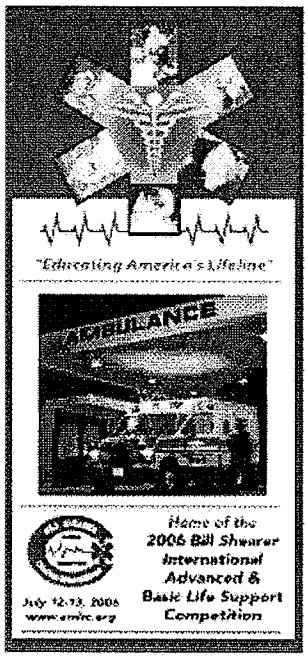
ClinCon

ClinCon 2006
July 13-16, 2006
Orlando, FL
Renaissance Orlando Resort at Seaworld

:: **Attendees**
Register Here

:: **Exhibitors**
Register Here

Overview
ClinCon 2006 is designed to create an educational experience that will help EMS Personnel provide the highest quality prehospital care to their patients. The time has come for practical, research based clinical street medicine to be practiced by every prehospital care provider.



Who Should Attend
Paramedics, EMT's Firefighters, EMS/Fire Administrators, EMS Medical Directors, EMS Educators, Emergency Physicians, Emergency Physician Assistants, Emergency Nurses, First Responders and other Allied Health Professionals interested in learning practical, research based clinical street medicine.

When

July 2006

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2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

Add to Calendar

Where
Renaissance Orlando Resort at Seaworld
6677 Sea Harbor Drive
Orlando, FL 32821

EXHIBIT 6 PAGE 17 OF 18

(800) 468-3571 - Hotel
(800) 266-9432 - Reservations

Directions

Reserve Hotel

Presented by
Emergency Medicine Learning and Resource Center

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Attendee Information

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Fees Fees

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Cancellation Policy
It is the policy of the Florida Emergency Medicine Foundation to give a refund only if the request is made in writing to the conference registrar 1 (one) week prior to the conference. For all cancellations an administrative fee of $75.00 will be retained.

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