

## MedTech Patent Litigation

---

Our patent litigation attorneys have handled dozens of cases having market impact in the tens or hundreds of millions of dollars. Significant achievements in patent litigation include plaintiffs' verdicts of \$129 million and \$57 million, a defense verdict of \$0 on an \$85 million claim, and dismissal of a seven figure breach of license agreement following an arbitration hearing. We have negotiated many confidential settlements and licensing deals in the MedTech space, having a total value approaching \$1 billion.

Technical areas in which our team members have worked include:

- Vascular stents and stent grafts
- PFO occluders
- Spinal fixation devices
- Surgical devices
- Glucose meters
- Insulin pumps
- Synthetic orthopedic casting tapes
- Glaucoma treatments
- Dialysis machines
- Catheters
- Nutrition formulas

We understand this competitive industry, and the ways to effectively represent you in patent infringement matters. We have significant experience in conducting trials, *Markman* hearings, summary judgment proceedings, IPR/PGR proceedings before the PTAB, and appeals to the Federal Circuit Court of Appeals. A number of our team members are registered patent attorneys with the Patent and Trademark Office, certification which requires both a law degree and a technical degree. We also offer an in-house e-discovery department as a service to reduce costs for our clients. We make it our goal to effectively enforce or defend against patent infringement claims while providing high return on investment to our clients.

### Experience

- Represented Fortune 100 manufacturing company in patent infringement dispute against competitor relating to synthetic orthopedic casting tapes. Obtained \$129 million verdict in favor of client, which verdict was upheld on appeal.
- Represented Fortune 200 medical device manufacturer in patent infringement litigation related to patent on stent grafts. Non-infringement ruling and \$0 award where plaintiff sought \$85 million in damages.
- Represented Fortune 200 medical device manufacturer in patent litigation on patents related to shape memory alloys asserted against a company making stent grafts. On eve of trial, negotiated settlement agreement with favorable license terms for client.

## MedTech Patent Litigation

---

- Represented Fortune 200 medical device manufacturer in patent litigation on patents related to shape memory alloys asserted against company making PFO occluder devices. Obtained \$57 million jury verdict in favor of client.
- Represented client in a contract dispute related to overseas clinical trials of a drug used to treat Hepatitis C.
- Obtained complete dismissal of seven figure breach of patent license agreement claim following week-long arbitration hearing.
- Represented patentee in a patent infringement action related to devices used in spinal surgery.
- Represented accused infringer in a patent infringement action related to dialysis machines.
- Represented Fortune 200 medical device manufacturer patent holder in week-long bench trial in the Northern District of California on defendants' defense of obviousness type double patenting. Negotiated favorable confidential settlement on behalf of client before the opinion was issued.

### Insights & Events

#### News

Briggs and Morgan Welcomes Attorney Kristine Boylan  
June 2, 2014

Karen McDaniel Co-Chairs Medical Device Licensing Conference  
October 31, 2013

Briggs Presents at 2013 Midwest IP Institute  
September 25, 2013

#### Events

International Trademark Association June 2014 Roundtable: Non-Trademark Issues Trademark Practitioners Should Know  
June 12, 2014

Non-Practicing Entities: Abusive "Patent Trolls" or Free Enterprise Drivers of Innovation?  
University of Minnesota Law School - Room 25, May 21, 2014

#### Publications

Dan Rosenberg Discusses Significant Patent Changes with MHTA  
February 21, 2013

Alert: Urgent New Patent Law Considerations  
December 21, 2012

Alert: America Invents Act Provisions Effective September 16, 2012  
September 7, 2012

## MedTech Patent Litigation

---

### **Social Media**

IntellectualIP is a Briggs and Morgan and University of Minnesota Law School – Educational Co-Sponsor blog. It's intended to provide practical information concerning U.S. and international intellectual property law. Opinions expressed on this blog do not reflect University of Minnesota support or endorsement of Briggs and Morgan or of any other non-university entity cited or linked to on this site.