

Smith & Nephew names Interlace Medical CTO in patent infringement suit

Mass Device

Smith & Nephew Inc. (NYSE:SNN) hit Interlace Medical Inc. with a lawsuit accusing the Framingham, Mass.-based firm of infringing a patent with its MyoSure hysteroscopy device.

Smith & Nephew, which has operations in Andover, Mass., accused Interlace chief technology officer Ronald Adams, an SNN employee from 2002 to 2006, of bringing the technology with him when he jumped ship for then-startup Interlace. The patent covers an arthroscopic surgical instrument designed to cut semi-rigid tissue.

"While at [Smith & Nephew](#) [1], Adams was in the business unit which oversaw the development and commercialization of technology such as that embodied in the [patent]. At various times during his employment at Smith & Nephew, Adams was integrally involved with all aspects of the Operative Hysteroscopy System business, including research, product development, marketing and sale of products and devices such as the Powermax," according to court documents. "[Interlace](#) [2]'s infringement of the '459 Patent is willful and deliberate, in light of ... Interlace's prior knowledge of the [patent], and Smith & Nephew's Operative Hysteroscopy System business, including the Powermax device, specifically through the intimate knowledge of Interlace's CTO, Ron Adams, which he gained during his prior employment with Smith & Nephew."

The lawsuit, filed in the U.S. District Court for Massachusetts, alleges that Interlace's MyoSure hysteroscopy device, for removing uterine fibroids and polyps, violates at least four claims in the patent for a "Reciprocating Rotary Arthroscopic Surgical Instrument." The patent covers part of Smith & Nephew's Powermax hysteroscopy device, which competes with the MyoSure. The company is seeking a jury trial to decide on an injunction against further infringement, triple damages, legal fees and pre-judgment interest.

Interlace [won 510\(k\) clearance from the Food & Drug Administration](#) [3] for the MyoSure system in October 2009 and [launched a clinical trial](#) [4] of the device in March of this year.

For its part, Smith & Nephew has had mixed results on the legal front this year, [losing a round in its long-running battle with Kinetic Concepts Inc.](#) [5] (NYSE:KCI) over negative-pressure wound therapy patents but [winning a \\$4.7 million judgment against Arthrex Inc.](#) [6] in a patent suit over techniques for attaching anterior cruciate ligament grafts to bone.

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