# Judge tosses Gore stent graft suit against Medtronic

Mass Device

A federal judge tossed a lawsuit filed in 2010 accusing Medtronic [1] (NYSE:MDT [2]) of violating patents held by W.L. Gore & Associates [3] covering stent graft manufacturing techniques.

Judge Mark Davis of the U.S. District Court for Eastern Virginia dismissed Gore's claims, saying the ruling made Medtronic's counterclaims moot.

Gore sued MDT in September 2010, alleging that it violated claims in a patent covering the manufacturing process for stent grafts used to repair abdominal aortic aneurysms. Gore accused Medtronic's Talent abdominal and thoracic stent grafts used a trio of manufacturing processes covered by the patent.

Medtronic argued that some of Gore's claims aren't applicable because the Medtronic entities named in the lawsuit weren't responsible for importing the devices into the U.S.

Davis agreed, ruling that the pre-market approval submissions to the FDA for the Talent device showed that although Medtronic Vascular controlled the manufacturing process, another subsidiary, Medtronic Mexico, was responsible for importing the devices into the U.S.

"In summary, the court finds by a preponderance of the evidence that Medtronic's PMA submissions support the conclusion that Medtronic Vascular 'controlled and directed' Medtronic Mexico's subassembly manufacturing of the Talent stent graft products," Davis wrote. "However, controlling Federal Circuit precedent discussed earlier makes clear that it is not the manufacturer but the importer who is liable under the statue [*sic*].

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