Fish & Richardson Prevails in Patent Infringement Trial for Volcano Corporation

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Fish & Richardson [1] scored a major victory for San Diego based Volcano Corporation [2] in a patent trial regarding medical device technology used to diagnose heart problems. After less than 90 minutes of deliberation, a federal district court jury in Delaware found that Volcano did not infringe two patents asserted by St. Jude Medical Inc. and that another two St. Jude patents were invalid. A fifth St. Jude patent was declared not infringed by the court on the eve of trial. The lawsuit, filed in 2010 by St. Jude, sought to shut down Volcano's rapidly growing cardiac Functional Management business. The verdict was delivered on October 19, 2012 and was initially subject to an agreement by the parties not to issue press releases.

The Fish team was led by Frank Scherkenbach with assistance from principals Todd Miller, Michael Rosen, Michael Amon, Thomas Halkowski, and John Farrell and associate Corrin Drakulich. St. Jude was represented by DLA Piper.

Volcano and St. Jude are competitors in the fast-growing pressure sensing guide wire business. These wires are six feet long and two hairs thick and include a microscopic pressure-sensing chip. Functional Management is a guide wire based technology that analyzes pressure and flow parameters from inside of the vessel.

"We are very pleased to deliver this significant victory for Volcano in its David vs. Goliath like lawsuit," stated Todd Miller of Fish & Richardson. "Volcano is now free to once again focus on bringing its life saving technologies to patients."

The jury found that St. Jude Medical patents 6,112,598 (a sensor mount patent) and 6,248,083 (a calibration patent) were not infringed and patents 5,938,624 and 6,196,980 (connector patents) were invalid.

In a separate trial heard the following week with the same legal teams, St. Jude admitted liability as to certain products and the jury found certain other St. Jude Medical products did not infringe Volcano's asserted patents.

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