

Federal Court Shuts Down Janzen Patent Infringement Claim Against AccessClosure

Business Wire

AccessClosure Inc., the market leader in extravascular closure devices, has announced that the U.S. Court of Appeals for the Federal Circuit denied a request by St. Jude Medical Inc. to rehear an appeal on a double patenting ruling concerning its U.S. Patent No. 7,008,439 (the "Janzen '439 patent"), covering technologies to close holes in arteries.

The U.S. Court of Appeals' decision, holding the Janzen '439 patent invalid, supports the original jury verdict on Dec. 21, 2010 in the U.S. District Court for the Western District of Arkansas. The U.S. Court of Appeals will send the case back to the Texarkana District Court on Dec. 16, 2013, when it issues its mandate.

"This is an outstanding day for our company," said Gregory D. Casciaro, president and CEO of AccessClosure Inc. "The court's ruling on Janzen '439 is an important vindication that ends years of legal distraction. The timely decision allows the AccessClosure team to finally put this dispute behind us and enter 2014 with a clear focus on developing and delivering innovative, patient-friendly closure solutions and continuing to invest in new technologies that improve both the doctor and patient experience." This week's positive final ruling came after the U.S. Court of Appeals upheld a separate ruling, requiring the company to pay \$27.1 million in compensatory damages to St. Jude Medical for infringing the Fowler family of patents with products distributed prior to October 2010, when those patents expired. Once the case is returned to the Texarkana District Court, a final accounting and determination of additional damages, if any, will be determined as it relates to the Fowler patents. The significance of this week's ruling on Janzen '439 is that AccessClosure no longer faces any threat of an injunction from St. Jude Medical because the Janzen '439 patent was held to be invalid.

"While we maintain that our products do not utilize St. Jude technology, we are prepared to comply with the award decision related to the Fowler patent family and put all legal proceedings behind us," Casciaro added.

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