

## St. Jude Medical Beats Patent Suit Over Catheter Method

By **Hannah Albarazi**

Law360 (March 24, 2021, 2:37 PM EDT) -- A Minnesota federal judge has tossed a lawsuit accusing St. Jude Medical of inducing its customers to infringe Niazi Licensing Corp.'s patented method for using a heart catheter, finding that the patent licensing company failed to present evidence supporting its claim.

U.S. District Judge Wilhelmina M. Wright on Tuesday granted St. Jude Medical S.C. Inc.'s motion for summary judgment of noninfringement, while denying Niazi's cross-motion for summary judgment of infringement.

Niazi, which owns a patent pertaining to a double catheter system that can be inserted into the coronary sinus of the heart and is targeted at patients with congestive heart failure, sued St. Jude in late 2017 alleging it induced its customers to infringe Niazi's patent.

Both Niazi and St. Jude cross-moved for summary judgment as to St. Jude's alleged infringement of Claim 11 of U.S. Patent No. 6,638,268.

Judge Wright wrote in her order Tuesday that while it is undisputed that St. Jude itself does not perform the patented medical procedure, Niazi accuses St. Jude of indirectly infringing the patent by inducing medical professionals to practice Niazi's patented method, via St. Jude's product instructions and marketing materials.

The judge said that for Niazi to be entitled to summary judgment of infringement, it must prove St. Jude induced at least one person to actually perform every step of Claim 11 in the order that those steps are listed in the patent.

But Judge Wright said the evidence put forward by Niazi "is insufficient to prove direct infringement."

"St. Jude's written instructions do not follow the same order listed in Claim 11 and, therefore, do not instruct customers to infringe the patented method," Judge Wright said. The judge also found that St. Jude's written instructions do not precisely describe all of the steps of the claimed method.

Furthermore, the judge said, St. Jude characterizes some of the steps as optional, which Niazi does not.

Judge Wright said the leap required to conclude from Niazi's circumstantial evidence "that any of St. Jude's customers actually performed the patented method is too speculative."

"St. Jude's written instructions do not encourage, recommend, or promote infringement," the judge wrote in her order.

Niazi, the judge found, presented no evidence to support direct infringement by at least one person or that St. Jude knowingly induced infringement and possessed specific intent to encourage another's infringement.

Counsel for St. Jude declined to comment Wednesday. Counsel for Niazi could not immediately be

reached.

The patent at issue is U.S. Patent No. 6,638,268.

Niazi Licensing Corp. is represented by Michael T. Griggs of Boyle Fredrickson SC and J. Ashwin Madia, Joshua A. Newville, Cody J. Blades and Zane A. Umsted of Madia Law LLC.

St. Jude Medical SC Inc. is represented by Rachel C. Hughey of Merchant & Gould PC and Kalpesh K. Shah, Katherine A. Smith, Suzanne Alton de Eraso and Samuel J. Ruggio of Benesch Friedlander Coplan & Aronoff LLP.

The case is Niazi Licensing Corp. v. St. Jude Medical SC Inc., case number 0:17-cv-05096, in the U.S. District Court for the District of Minnesota.

--Editing by Marygrace Murphy.