

St. Jude Medical Wins Atty Fees In Catheter Method IP Suit

By **Adam Lidgett**

Law360 (October 25, 2021, 6:31 PM EDT) -- A Minnesota federal judge said Monday that St. Jude Medical can recoup certain attorney fees and expenses it incurred defending claims that it induced customers to infringe Niazi Licensing Corp.'s patented method for using a heart catheter.

U.S. District Judge Wilhelmina M. Wright mostly granted St. Jude Medical S.C. Inc.'s motion for attorney fees and costs, which it asked for after winning summary judgment of noninfringement in March. The amount St. Jude asked for in fees and costs was not publicly available as of Monday afternoon.

Judge Wright said that Niazi has been wrongly prolonging the litigation since the claim construction order in the case was issued two years ago. Specifically, Niazi's attorneys used evidence not disclosed during the discovery process and ignored deadlines, the judge said.

"Under the circumstances presented here, after this court issued its claim construction order, NLC's remaining patent-infringement claim was so lacking in merit that NLC 'was legally obligated either to abandon its case altogether or to limit itself to challenging the . . . claim construction order on appeal,'" the judge said. "However, NLC pursued neither course."

On top of that, the judge said that Niazi's attorneys would be held severally and jointly liable for the fees and costs.

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 **said in** March 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 at the time that the evidence put forward by Niazi "is insufficient to prove direct infringement."

Furthermore, the judge said in March, St. Jude characterizes some 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."

Counsel for the parties did not immediately respond to requests for comment on Monday.

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 Kalpesh K. Shah, Katherine A. Smith 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.

--Additional reporting by Hannah Albarazi. Editing by Ellen Johnson.