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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

BOSTON SCIENTIFIC CORPORATION  
and  
BOSTON SCIENTIFIC SCIMED, INC.

Plaintiffs,

v.

EDWARDS LIFESCIENCES  
CORPORATION

Defendant.

Civil Action No. 8:16-cv-0730

**COMPLAINT FOR PATENT  
INFRINGEMENT**

**JURY TRIAL DEMANDED**

1 Plaintiffs Boston Scientific Corporation and Boston Scientific SciMed, Inc.,  
 2 (together, “Boston Scientific”) by their attorneys, hereby complains against  
 3 Defendant Edwards Lifesciences Corporation (“Edwards”) and alleges as follows:

4 1. This is a patent infringement action arising from Edwards’ infringement  
 5 of one or more of the following Boston Scientific patents (the “Patents-In-Suit”) via  
 6 the manufacture, use, sale, offer to sell, exportation, and/or importation, in whole or in  
 7 part, of the following products:

<i><b>Edwards’ Infringing Products</b></i>	<i><b>Boston Scientific’s Patents-In-Suit</b></i>
Commander Delivery System Ascendra+ Delivery System Certitude Delivery System NovaFlex+ Delivery System RetroFlex 3 Delivery System	U.S. Patent No. 8,709,062 (Count 1, <i>see</i> Exhibit A) U.S. Patent No. 6,203,558 (Count 2, <i>see</i> Exhibit B) U.S. Patent No. 6,371,962 (Count 3, <i>see</i> Exhibit C) U.S. Patent No. 7,749,234 (Count 4, <i>see</i> Exhibit D) U.S. Patent No. 7,828,767 (Count 5, <i>see</i> Exhibit E) U.S. Patent No. 6,007,543 (Count 6, <i>see</i> Exhibit F) U.S. Patent No. 6,712,827 (Count 7, <i>see</i> Exhibit G)
Edwards Crimper	U.S. Patent No. 6,915,560 (Count 8, <i>see</i> Exhibit H)

### **THE PARTIES**

18 2. Plaintiff Boston Scientific Corporation (“BSC”) is a corporation  
 19 organized and existing under the laws of the State of Delaware and having a principal  
 20 place of business at 300 Boston Scientific Way, Marlborough, Massachusetts 01752.

21 3. Boston Scientific Scimed, Inc. (“BSSI”) is a corporation organized and  
 22 existing under the laws of the State of Minnesota with a principal place of business at  
 23 One Scimed Place, Maple Grove, Minnesota, 55311. BSSI is a wholly-owned  
 24 subsidiary of BSC.

25 4. Upon information and belief, Defendant Edwards is a corporation  
 26 organized and existing under the laws of the State of Delaware and having its principal  
 27 place of business at One Edwards Way, Irvine, California 92614.

**JURISDICTION AND VENUE**

5. This action arises under the Patent Laws of the United States, Title 35 of the United States Code.

6. This court had subject matter jurisdiction over the causes of action asserted herein pursuant to 28 U.S.C. §§ 1331, 1338(a) and 2201 *et seq.*

7. This court has personal jurisdiction over Edwards. On information and belief, Edwards is a resident of this judicial district, has systematic and continuous contacts in this judicial district, regularly transacts business within this district, and regularly avails itself of the benefits of this district. On information and belief, Edwards also sells and distributes products in this district, including the products accused of patent infringement herein. Upon information and belief, Edwards derives substantial revenues from sales in this district.

8. Venue is proper in this District under 28 U.S.C. §§ 1391(a), 1391(c), and 1400(b).

**COUNT 1: INFRINGEMENT OF U.S. PATENT NO. 8,079,062**

9. Boston Scientific realleges paragraphs 1-8 above as if fully set forth herein.

10. U.S. Patent No. 8,709,062 (the “‘062 patent”), entitled “Stent Delivery System Having Stent Securement Apparatus,” is a valid, enforceable patent that was duly issued by the USPTO on April 29, 2014 in full compliance with Title 35 of the United States Code. A true and correct copy of the ‘062 patent is attached as Exhibit A.

11. BSSI is the assignee of the ‘062 patent with ownership of all substantial rights in the ‘062 patent, including the right to exclude others and to enforce, sue and recover damages for past and future infringements. BSC is the exclusive licensee of the ‘062 patent.

12. Edwards has directly infringed, and continues to directly infringe, at least claims 1, 10, and 11 of the ‘062 patent in violation of 35 U.S.C. § 271(a) by, for

1 example and without limitation, making, using, offering to sell, selling, and/or  
2 importing in and into the United States certain catheter products, including the  
3 Commander Delivery System, the Ascendra+ Delivery System, the Certitude Delivery  
4 System, the NovaFlex+ Delivery System, and the RetroFlex 3 Delivery System.  
5 Additionally, Edwards has directly infringed, and continues to directly infringe, at least  
6 claims 7 and 26 of the ‘062 patent in violation of 35 U.S.C. § 271(a) by, for example  
7 and without limitation, making, using, offering to sell, selling, and/or importing in and  
8 into the United States certain catheter products, including the Commander Delivery  
9 System and the RetroFlex 3 Delivery System. The accused Delivery Systems  
10 identified in this paragraph are, together, the “‘062 Catheter Systems.”

11 13. Edwards has actively induced others to infringe at least claims 1, 7, 10,  
12 11, and 26 of the ‘062 patent (as set forth in paragraph 12) in violation of 35 U.S.C.  
13 § 271(b) by instructing others to use certain catheter products, including the ‘062  
14 Catheter Systems. Edwards’ active inducement includes, for example and without  
15 limitation, marketing, selling, and offering to sell the ‘062 Catheter Systems, providing  
16 instructions on how to use the ‘062 Catheter Systems, and promoting the use of the  
17 ‘062 Catheter Systems. On information and belief, Edwards has induced such  
18 infringement with the intent that one or more claims of the ‘062 patent be infringed.

19 14. Edwards has contributed to infringement by others of at least claims 1, 7,  
20 10, 11, and 26 of the ‘062 patent (as set forth in paragraph 12) in violation of 35 U.S.C.  
21 § 271(c) by selling the ‘062 Catheter Systems, each of which is a component of a  
22 patented apparatus and which constitutes a material part of the invention in at least  
23 claims 1, 7, 10, 11, and 26 of the ‘062 patent. Edwards has sold the ‘062 Catheter  
24 Systems knowing the same to be especially made or especially adapted for use in an  
25 infringement of at least claims 1, 7, 10, 11, and 26 of the ‘062 patent, and that the ‘062  
26 Catheter Systems are not staple articles or commodities of commerce suitable for  
27 substantial noninfringing use.  
28

1           15. In violation of 35 U.S.C. § 271(f)(1), Edwards has supplied and/or caused  
2 to be supplied in or from the United States, and it continues to supply and/or cause to  
3 be supplied in or from the United States, the '062 Catheter Systems and/or components  
4 of the '062 Catheter Systems, which constitute all or a substantial portion of the  
5 components of the inventions claimed in the '062 patent, including without limitation  
6 the inventions in at least claims 1, 7, 10, 11, and 26 of the '062 patent, where such  
7 components are uncombined in whole or in part, and in such manner as to actively  
8 induce the combination of such components outside of the United States in a manner  
9 that would infringe at least claims 1, 7, 10, 11, and 26 of the '062 patent (as set forth in  
10 paragraph 12) if such combination occurred within the United States.

11           16. In violation of 35 U.S.C. § 271(f)(2), Edwards has supplied and/or caused  
12 to be supplied in or from the United States, and it continues to supply and/or cause to  
13 be supplied in or from the United States, the '062 Catheter Systems and/or components  
14 of the '062 Catheter Systems, (i) which are especially made or especially adapted for  
15 use in the inventions claimed in the '062 patent, including without limitation the  
16 inventions in at least claims 1, 7, 10, 11, and 26 of the '062 patent, (ii) which are not  
17 staple articles or commodities of commerce suitable for substantial noninfringing use,  
18 and (iii) where such component is uncombined in whole or in part, knowing that such  
19 component is so made or adapted and intending that such component will be combined  
20 outside of the United States in a manner that would infringe at least claims 1, 7, 10, 11,  
21 and 26 of the '062 patent (as set forth in paragraph 12) if such combination occurred  
22 within the United States.

23           17. Edwards has had actual knowledge of the '062 patent prior to the filing of  
24 this Complaint. Despite Boston Scientific's notice, Edwards has continued to infringe  
25 at least claims 1, 7, 10, 11, and 26 of the '062 patent. Edwards' infringement is  
26 objectively reckless, knowing, deliberate, and willful.

27           18. Boston Scientific has been damaged as a result of Edwards' infringing  
28 conduct and is entitled to recover damages that adequately compensates it for

1 Edwards' infringement, which by law cannot be less than a reasonable royalty,  
2 together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

3 **COUNT 2: INFRINGEMENT OF U.S. PATENT NO. 6,203,558**

4 19. Boston Scientific realleges paragraphs 1-18 above as if fully set forth  
5 herein.

6 20. U.S. Patent No. 6,203,558 (the "'558 patent"), entitled "Stent Delivery  
7 System Having Stent Securement Apparatus," is a valid, enforceable patent that was  
8 duly issued by the USPTO on March 20, 2001 in full compliance with Title 35 of the  
9 United States Code. A true and correct copy of the '558 patent is attached as  
10 Exhibit B.

11 21. BSSI is the assignee of the '558 patent with ownership of all substantial  
12 rights in the '558 patent, including the right to exclude others and to enforce, sue and  
13 recover damages for past and future infringements. BSC is the exclusive licensee of  
14 the '558 patent.

15 22. Edwards has directly infringed, and continues to directly infringe, at least  
16 claim 1 of the '558 patent in violation of 35 U.S.C. § 271(a) by, for example and  
17 without limitation, making, using, offering to sell, selling, and/or importing in and into  
18 the United States certain catheter products, including the Commander Delivery System  
19 and the RetroFlex 3 Delivery System. The accused Delivery Systems identified in this  
20 paragraph are, together, the "'558 Catheter Systems."

21 23. Edwards has actively induced others to infringe at least claim 1 of the  
22 '558 patent in violation of 35 U.S.C. § 271(b) by instructing others to use certain  
23 catheter products, including the '558 Catheter Systems. Edwards' active inducement  
24 includes, for example and without limitation, marketing, selling, and offering to sell  
25 the '558 Catheter Systems, providing instructions on how to use the '558 Catheter  
26 Systems, and promoting the use of the '558 Catheter Systems. On information and  
27 belief, Edwards has induced such infringement with the intent that one or more claims  
28 of the '558 patent be infringed.

1           24. Edwards has contributed to infringement by others of at least claim 1 of  
2 the '558 patent in violation of 35 U.S.C. § 271(c) by selling the '558 Catheter Systems,  
3 each of which is a component of a patented apparatus and which constitutes a material  
4 part of the invention in at least claim 1 of the '558 patent. Edwards has sold the '558  
5 Catheter Systems knowing the same to be especially made or especially adapted for  
6 use in an infringement of at least claim 1 of the '558 patent, and that the '558 Catheter  
7 Systems are not staple articles or commodities of commerce suitable for substantial  
8 noninfringing use.

9           25. In violation of 35 U.S.C. § 271(f)(1), Edwards has supplied and/or caused  
10 to be supplied in or from the United States, and it continues to supply and/or cause to  
11 be supplied in or from the United States, the '558 Catheter Systems and/or components  
12 of the '558 Catheter Systems, which constitute all or a substantial portion of the  
13 components of the inventions claimed in the '558 patent, including without limitation  
14 the inventions in at least claim 1 of the '558 patent, where such components are  
15 uncombined in whole or in part, and in such manner as to actively induce the  
16 combination of such components outside of the United States in a manner that would  
17 infringe at least claim 1 of the '558 patent if such combination occurred within the  
18 United States.

19           26. In violation of 35 U.S.C. § 271(f)(2), Edwards has supplied and/or caused  
20 to be supplied in or from the United States, and it continues to supply and/or cause to  
21 be supplied in or from the United States, the '558 Catheter Systems and/or components  
22 of the '558 Catheter Systems, (i) which are especially made or especially adapted for  
23 use in the inventions claimed in the '558 patent, including without limitation the  
24 inventions in at least claim 1 of the '558 patent, (ii) which are not staple articles or  
25 commodities of commerce suitable for substantial noninfringing use, and (iii) where  
26 such component is uncombined in whole or in part, knowing that such component is so  
27 made or adapted and intending that such component will be combined outside of the  
28



1 United States in a manner that would infringe at least claim 1 of the ‘558 patent if such  
2 combination occurred within the United States.

3 27. Edwards has had actual knowledge of the ‘558 patent prior to the filing of  
4 this Complaint. Despite Boston Scientific’s notice, Edwards has continued to infringe  
5 at least claim 1 of the ‘558 patent. Edwards’ infringement is objectively reckless,  
6 knowing, deliberate, and willful.

7 28. Boston Scientific has been damaged as a result of Edwards’ infringing  
8 conduct and is entitled to recover damages that adequately compensates it for  
9 Edwards’ infringement, which by law cannot be less than a reasonable royalty,  
10 together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

11 **COUNT 3: INFRINGEMENT OF U.S. PATENT NO. 6,371,962**

12 29. Boston Scientific realleges paragraphs 1-28 above as if fully set forth  
13 herein.

14 30. U.S. Patent No. 6,371,962 (the “‘962 patent”), entitled “Stent Delivery  
15 System With Stent Securement Means”, is a valid, enforceable patent that was duly  
16 issued by the USPTO on April 16, 2002 in full compliance with Title 35 of the United  
17 States Code. A true and correct copy of the ‘962 patent is attached as Exhibit C.

18 31. BSSI is the assignee of the ‘962 patent with ownership of all substantial  
19 rights in the ‘962 patent, including the right to exclude others and to enforce, sue and  
20 recover damages for past and future infringements. BSC is the exclusive licensee of  
21 the ‘962 patent.

22 32. Edwards has directly infringed, and continues to directly infringe, at least  
23 claims 1, 6, 7, 20, 25, and 29 of the ‘962 patent in violation of 35 U.S.C. § 271(a) by,  
24 for example and without limitation, making, using, offering to sell, selling, and/or  
25 importing in and into the United States certain catheter products, including the  
26 Commander Delivery System. In addition, Edwards has directly infringed, and  
27 continues to directly infringe, at least claims 1 and 20 of the ‘962 patent in violation of  
28 35 U.S.C. § 271(a) by, for example and without limitation, making, using, offering to



1 sell, selling, and/or importing in and into the United States certain catheter products,  
2 including the NovaFlex+ Delivery System and the RetroFlex 3 Delivery System. The  
3 accused Delivery Systems identified in this paragraph are together, the “‘962 Catheter  
4 Systems.”

5 33. Edwards has actively induced others to infringe at least claims 1, 6, 7, 20,  
6 25, and 29 of the ‘962 patent (as set forth in paragraph 32) in violation of 35 U.S.C.  
7 § 271(b) by instructing others to use certain catheter products, including the ‘962  
8 Catheter Systems. Edwards’ active inducement includes, for example and without  
9 limitation, marketing, selling, and offering to sell the ‘962 Catheter Systems, providing  
10 instructions on how to use the ‘962 Catheter Systems, and promoting the use of the  
11 ‘962 Catheter Systems. On information and belief, Edwards has induced such  
12 infringement with the intent that one or more claims of the ‘962 patent be infringed.

13 34. Edwards has contributed to infringement by others of at least claims 1, 6,  
14 7, 20, 25, and 29 of the ‘962 patent in violation of 35 U.S.C. § 271(c) by selling the  
15 ‘962 Catheter Systems, each of which is a component of a patented apparatus and  
16 which constitutes a material part of the invention in at least claims 1, 6, 7, 20, 25, and  
17 29 of the ‘962 patent (as set forth in paragraph 32). Edwards has sold the ‘962  
18 Catheter Systems knowing the same to be especially made or especially adapted for  
19 use in an infringement of at least claims 1, 6, 7, 20, 25, and 29 of the ‘962 patent (as  
20 set forth in paragraph 32), and that the ‘962 Catheter Systems are not staple articles or  
21 commodities of commerce suitable for substantial noninfringing use.

22 35. In violation of 35 U.S.C. § 271(f)(1), Edwards has supplied and/or caused  
23 to be supplied in or from the United States, and it continues to supply and/or cause to  
24 be supplied in or from the United States, the ‘962 Catheter Systems and/or components  
25 of the ‘962 Catheter Systems, which constitute all or a substantial portion of the  
26 components of the inventions claimed in the ‘962 patent, including without limitation  
27 the inventions in at least claims 1, 6, 7, 20, 25, and 29 of the ‘962 patent, where such  
28 components are uncombined in whole or in part, and in such manner as to actively

1 induce the combination of such components outside of the United States in a manner  
2 that would infringe at least claims 1, 6, 7, 20, 25, and 29 of the '962 patent (as set forth  
3 in paragraph 32) if such combination occurred within the United States.

4 36. In violation of 35 U.S.C. § 271(f)(2), Edwards has supplied and/or caused  
5 to be supplied in or from the United States, and it continues to supply and/or cause to  
6 be supplied in or from the United States, the '962 Catheter Systems and/or components  
7 of the '962 Catheter Systems, (i) which are especially made or especially adapted for  
8 use in the inventions claimed in the '962 patent, including without limitation the  
9 inventions in at least claims 1, 6, 7, 20, 25, and 29 of the '962 patent, (ii) which are not  
10 staple articles or commodities of commerce suitable for substantial noninfringing use,  
11 and (iii) where such component is uncombined in whole or in part, knowing that such  
12 component is so made or adapted and intending that such component will be combined  
13 outside of the United States in a manner that would infringe at least claims 1, 6, 7, 20,  
14 25, and 29 of the '962 patent (as set forth in paragraph 32) if such combination  
15 occurred within the United States.

16 37. Edwards has had actual knowledge of the '962 patent prior to the filing of  
17 this Complaint. Despite Boston Scientific's notice, Edwards has continued to infringe  
18 at least claims 1, 6, 7, 20, 25, and 29 of the '962 patent (as set forth in paragraph 32).  
19 Edwards' infringement is objectively reckless, knowing, deliberate, and willful.

20 38. Boston Scientific has been damaged as a result of Edwards' infringing  
21 conduct and is entitled to recover damages that adequately compensates it for  
22 Edwards' infringement, which by law cannot be less than a reasonable royalty,  
23 together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

24 **COUNT 4: INFRINGEMENT OF U.S. PATENT NO. 7,749,234**

25 39. Boston Scientific realleges paragraphs 1-38 above as if fully set forth  
26 herein.

27 40. U.S. Patent No. 7,749,234 (the "'234 patent"), entitled "Catheter Support  
28 For Stent Delivery," is a valid, enforceable patent that was duly issued by the USPTO

1 on July 6, 2010 in full compliance with Title 35 of the United States Code. A true and  
2 correct copy of the '234 patent is attached as Exhibit D.

3 41. BSSI is the assignee of the '234 patent with ownership of all substantial  
4 rights in the '234 patent, including the right to exclude others and to enforce, sue and  
5 recover damages for past and future infringements. BSC is the exclusive licensee of  
6 the '234 patent.

7 42. Edwards has directly infringed, and continues to directly infringe, at least  
8 claim 1 of the '234 patent in violation of 35 U.S.C. § 271(a) by, for example and  
9 without limitation, making, using, offering to sell, selling, and/or importing in and into  
10 the United States certain catheter products, including the Commander Delivery  
11 System. The accused Delivery Systems identified in this paragraph are together, the  
12 "'234 Catheter Systems."

13 43. Edwards has actively induced others to infringe at least claim 1 of the  
14 '234 patent in violation of 35 U.S.C. § 271(b) by instructing others to use certain  
15 catheter products, including the '234 Catheter Systems. Edwards' active inducement  
16 includes, for example and without limitation, marketing, selling, and offering to sell  
17 the '234 Catheter Systems, providing instructions on how to use the '234 Catheter  
18 Systems, and promoting the use of the '234 Catheter Systems. On information and  
19 belief, Edwards has induced such infringement with the intent that one or more claims  
20 of the '234 patent be infringed.

21 44. Edwards has contributed to infringement by others of at least claim 1 of  
22 the '234 patent in violation of 35 U.S.C. § 271(c) by selling the '234 Catheter Systems,  
23 each of which is a component of a patented apparatus and which constitutes a material  
24 part of the invention in at least claim 1 of the '234 patent. Edwards has sold the '234  
25 Catheter Systems knowing the same to be especially made or especially adapted for  
26 use in an infringement of at least claim 1 of the '234 patent, and that the '234 Catheter  
27 Systems are not staple articles or commodities of commerce suitable for substantial  
28 noninfringing use.

1           45. In violation of 35 U.S.C. § 271(f)(1), Edwards has supplied and/or caused  
2 to be supplied in or from the United States, and it continues to supply and/or cause to  
3 be supplied in or from the United States, the ‘234 Catheter Systems and/or components  
4 of the ‘234 Catheter Systems, which constitute all or a substantial portion of the  
5 components of the inventions claimed in the ‘234 patent, including without limitation  
6 the inventions in at least claim 1 of the ‘234 patent, where such components are  
7 uncombined in whole or in part, and in such manner as to actively induce the  
8 combination of such components outside of the United States in a manner that would  
9 infringe at least claim 1 of the ‘234 patent if such combination occurred within the  
10 United States.

11           46. In violation of 35 U.S.C. § 271(f)(2), Edwards has supplied and/or caused  
12 to be supplied in or from the United States, and it continues to supply and/or cause to  
13 be supplied in or from the United States, the ‘234 Catheter Systems and/or components  
14 of the ‘234 Catheter Systems, (i) which are especially made or especially adapted for  
15 use in the inventions claimed in the ‘234 patent, including without limitation the  
16 inventions in at least claim 1 of the ‘234 patent, (ii) which are not staple articles or  
17 commodities of commerce suitable for substantial noninfringing use, and (iii) where  
18 such component is uncombined in whole or in part, knowing that such component is so  
19 made or adapted and intending that such component will be combined outside of the  
20 United States in a manner that would infringe at least claim 1 of the ‘234 patent if such  
21 combination occurred within the United States.

22           47. Edwards has had actual knowledge of the ‘234 patent prior to the filing of  
23 this Complaint. Despite Boston Scientific’s notice, Edwards has continued to infringe  
24 at least claim 1 of the ‘234 patent. Edwards’ infringement is objectively reckless,  
25 knowing, deliberate, and willful.

26           48. Boston Scientific has been damaged as a result of Edwards’ infringing  
27 conduct and is entitled to recover damages that adequately compensates it for  
28

1 Edwards' infringement, which by law cannot be less than a reasonable royalty,  
2 together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

3 **COUNT 5: INFRINGEMENT OF U.S. PATENT NO. 7,828,767**

4 49. Boston Scientific realleges paragraphs 1-48 above as if fully set forth  
5 herein.

6 50. U.S. Patent No. 7,828,767 (the "'767 patent"), entitled "Balloon Design  
7 and Weld Design To Increase Ease Of Re-Wrapping And Decrease Withdrawal  
8 Force," is a valid, enforceable patent that was duly issued by the USPTO on November  
9 9, 2010 in full compliance with Title 35 of the United States Code. A true and correct  
10 copy of the '767 patent is attached as Exhibit E.

11 51. BSSI is the assignee of the '767 patent with ownership of all substantial  
12 rights in the '767 patent, including the right to exclude others and to enforce, sue and  
13 recover damages for past and future infringements. BSC is the exclusive licensee of  
14 the '767 patent.

15 52. Edwards has directly infringed, and continues to directly infringe, at least  
16 claim 5 of the '767 patent in violation of 35 U.S.C. § 271(a) by, for example and  
17 without limitation, making, using, offering to sell, selling, and/or importing in and into  
18 the United States certain catheter products, including the Commander Delivery  
19 System, the Ascendra+ Delivery System, the Certitude Delivery System, the  
20 NovaFlex+ Delivery System, and the RetroFlex 3 Delivery System. The accused  
21 Delivery Systems identified in this paragraph are together, the "'767 Catheter  
22 Systems."

23 53. Edwards has actively induced others to infringe at least claim 5 of the  
24 '767 patent in violation of 35 U.S.C. § 271(b) by instructing others to use certain  
25 catheter products, including the '767 Catheter Systems. Edwards' active inducement  
26 includes, for example and without limitation, marketing, selling, and offering to sell  
27 the '767 Catheter Systems, providing instructions on how to use the '767 Catheter  
28 Systems, and promoting the use of the '767 Catheter Systems. On information and

1 belief, Edwards has induced such infringement with the intent that one or more claims  
2 of the '767 patent be infringed.

3 54. Edwards has contributed to infringement by others of at least claim 5 of  
4 the '767 patent in violation of 35 U.S.C. § 271(c) by selling the '767 Catheter Systems,  
5 each of which is a component of a patented apparatus and which constitutes a material  
6 part of the invention in at least claim 5 of the '767 patent. Edwards has sold the '767  
7 Catheter Systems knowing the same to be especially made or especially adapted for  
8 use in an infringement of at least claim 5 of the '767 patent, and that the '767 Catheter  
9 Systems are not staple articles or commodities of commerce suitable for substantial  
10 noninfringing use.

11 55. In violation of 35 U.S.C. § 271(f)(1), Edwards has supplied and/or caused  
12 to be supplied in or from the United States, and it continues to supply and/or cause to  
13 be supplied in or from the United States, the '767 Catheter Systems and/or components  
14 of the '767 Catheter Systems, which constitute all or a substantial portion of the  
15 components of the inventions claimed in the '767 patent, including without limitation  
16 the inventions in at least claim 5 of the '767 patent, where such components are  
17 uncombined in whole or in part, and in such manner as to actively induce the  
18 combination of such components outside of the United States in a manner that would  
19 infringe at least claim 5 of the '767 patent if such combination occurred within the  
20 United States.

21 56. In violation of 35 U.S.C. § 271(f)(2), Edwards has supplied and/or caused  
22 to be supplied in or from the United States, and it continues to supply and/or cause to  
23 be supplied in or from the United States, the '767 Catheter Systems and/or components  
24 of the '767 Catheter Systems, (i) which are especially made or especially adapted for  
25 use in the inventions claimed in the '767 patent, including without limitation the  
26 inventions in at least claim 5 of the '767 patent, (ii) which are not staple articles or  
27 commodities of commerce suitable for substantial noninfringing use, and (iii) where  
28 such component is uncombined in whole or in part, knowing that such component is so

1 made or adapted and intending that such component will be combined outside of the  
2 United States in a manner that would infringe at least claim 5 of the ‘767 patent if such  
3 combination occurred within the United States.

4 57. Edwards has had actual knowledge of the ‘767 patent since at least the  
5 date of service of this Complaint and Edwards’ infringement thereafter is objectively  
6 reckless, knowing, deliberate, and willful.

7 58. Boston Scientific has been damaged as a result of Edwards’ infringing  
8 conduct and is entitled to recover damages that adequately compensates it for  
9 Edwards’ infringement, which by law cannot be less than a reasonable royalty,  
10 together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

11 **COUNT 6: INFRINGEMENT OF U.S. PATENT NO. 6,007,543**

12 59. Boston Scientific realleges paragraphs 1-58 above as if fully set forth  
13 herein.

14 60. U.S. Patent No. 6,007,543 (the “‘543 patent”), entitled “Stent Delivery  
15 System With Stent Securement Means,” is a valid, enforceable patent that was duly  
16 issued by the USPTO on December 28, 1999 in full compliance with Title 35 of the  
17 United States Code. A true and correct copy of the ‘543 patent is attached as  
18 Exhibit F.

19 61. BSSI is the assignee of the ‘543 patent with ownership of all substantial  
20 rights in the ‘543 patent, including the right to exclude others and to enforce, sue and  
21 recover damages for past and future infringements. BSC is the exclusive licensee of  
22 the ‘543 patent.

23 62. Edwards has directly infringed, and continues to directly infringe, at least  
24 claims 1 and 19 of the ‘543 patent in violation of 35 U.S.C. § 271(a) by, for example  
25 and without limitation, making, using, offering to sell, selling, and/or importing in and  
26 into the United States certain catheter products, including the NovaFlex+ Delivery  
27 System. The accused Delivery Systems identified in this paragraph are together, the  
28 “‘543 Catheter Systems.”



1           63. Edwards has actively induced others to infringe at least claims 1 and 19 of  
2 the '543 patent in violation of 35 U.S.C. § 271(b) by instructing others to use certain  
3 catheter products, including the '543 Catheter Systems. Edwards' active inducement  
4 includes, for example and without limitation, marketing, selling, and offering to sell  
5 the '543 Catheter Systems, providing instructions on how to use the '543 Catheter  
6 Systems, and promoting the use of the '543 Catheter Systems. On information and  
7 belief, Edwards has induced such infringement with the intent that one or more claims  
8 of the '543 patent be infringed.

9           64. Edwards has contributed to infringement by others of at least claims 1 and  
10 19 of the '543 patent in violation of 35 U.S.C. § 271(c) by selling the '543 Catheter  
11 Systems, each of which is a component of a patented apparatus and which constitutes a  
12 material part of the invention in at least claims 1 and 19 of the '543 patent. Edwards  
13 has sold the '543 Catheter Systems knowing the same to be especially made or  
14 especially adapted for use in an infringement of at least claims 1 and 19 of the '543  
15 patent, and that the '543 Catheter Systems are not staple articles or commodities of  
16 commerce suitable for substantial noninfringing use.

17           65. In violation of 35 U.S.C. § 271(f)(1), Edwards has supplied and/or caused  
18 to be supplied in or from the United States, and it continues to supply and/or cause to  
19 be supplied in or from the United States, the '543 Catheter Systems and/or components  
20 of the '543 Catheter Systems, which constitute all or a substantial portion of the  
21 components of the inventions claimed in the '543 patent, including without limitation  
22 the inventions in at least claims 1 and 19 of the '543 patent, where such components  
23 are uncombined in whole or in part, and in such manner as to actively induce the  
24 combination of such components outside of the United States in a manner that would  
25 infringe at least claims 1 and 19 of the '543 patent if such combination occurred within  
26 the United States.

27           66. In violation of 35 U.S.C. § 271(f)(2), Edwards has supplied and/or caused  
28 to be supplied in or from the United States, and it continues to supply and/or cause to

1 be supplied in or from the United States, the ‘543 Catheter Systems and/or components  
2 of the ‘543 Catheter Systems, (i) which are especially made or especially adapted for  
3 use in the inventions claimed in the ‘543 patent, including without limitation the  
4 inventions in at least claims 1 and 19 of the ‘543 patent, (ii) which are not staple  
5 articles or commodities of commerce suitable for substantial noninfringing use, and  
6 (iii) where such component is uncombined in whole or in part, knowing that such  
7 component is so made or adapted and intending that such component will be combined  
8 outside of the United States in a manner that would infringe at least claims 1 and 19 of  
9 the ‘543 patent if such combination occurred within the United States.

10 67. Edwards has had actual knowledge of the ‘543 patent prior to the filing of  
11 this Complaint. Despite Boston Scientific’s notice, Edwards has continued to infringe  
12 at least claims 1 and 19 of the ‘543 patent. Edwards’ infringement is objectively  
13 reckless, knowing, deliberate, and willful.

14 68. Boston Scientific has been damaged as a result of Edwards’ infringing  
15 conduct and is entitled to recover damages that adequately compensates it for  
16 Edwards’ infringement, which by law cannot be less than a reasonable royalty,  
17 together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

18 **COUNT 7: INFRINGEMENT OF U.S. PATENT NO. 6,712,827**

19 69. Boston Scientific realleges paragraphs 1-68 above as if fully set forth  
20 herein.

21 70. U.S. Patent No. 6,712,827 (the “‘827 patent”), entitled “Stent Delivery  
22 System,” is a valid, enforceable patent that was duly issued by the USPTO on March  
23 30, 2004 in full compliance with Title 35 of the United States Code. A true and correct  
24 copy of the ‘827 patent is attached as Exhibit G.

25 71. BSSI is the assignee of the ‘827 patent with ownership of all substantial  
26 rights in the ‘827 patent, including the right to exclude others and to enforce, sue and  
27 recover damages for past and future infringements. BSC is the exclusive licensee of  
28 the ‘827 patent.

1           72. Edwards has directly infringed, and continues to directly infringe, at least  
2 claims 1 and 5 of the '827 patent in violation of 35 U.S.C. § 271(a) by, for example  
3 and without limitation, making, using, offering to sell, selling, and/or importing in and  
4 into the United States certain catheter products, including the Commander Delivery  
5 System. In addition, Edwards has directly infringed, and continues to directly infringe,  
6 at least claim 1 of the '827 patent in violation of 35 U.S.C. § 271(a) by, for example  
7 and without limitation, making, using, offering to sell, selling, and/or importing in and  
8 into the United States certain catheter products, including the NovaFlex+ Delivery  
9 System. The accused Delivery Systems identified in this paragraph are together, the  
10 "'827 Catheter Systems."

11           73. Edwards has actively induced others to infringe at least claims 1 and 19 of  
12 the '827 patent (as set forth in paragraph 72) in violation of 35 U.S.C. § 271(b) by  
13 instructing others to use certain catheter products, including the '827 Catheter Systems.  
14 Edwards' active inducement includes, for example and without limitation, marketing,  
15 selling, and offering to sell the '827 Catheter Systems, providing instructions on how  
16 to use the '827 Catheter Systems, and promoting the use of the '827 Catheter Systems.  
17 On information and belief, Edwards has induced such infringement with the intent that  
18 one or more claims of the '827 patent be infringed.

19           74. Edwards has contributed to infringement by others of at least claims 1 and  
20 19 of the '827 patent in violation of 35 U.S.C. § 271(c) by selling the '827 Catheter  
21 Systems, each of which is a component of a patented apparatus and which constitutes a  
22 material part of the invention in at least claims 1 and 19 of the '827 patent. Edwards  
23 has sold the '827 Catheter Systems knowing the same to be especially made or  
24 especially adapted for use in an infringement of at least claims 1 and 19 of the '827  
25 patent (as set forth in paragraph 72), and that the '827 Catheter Systems are not staple  
26 articles or commodities of commerce suitable for substantial noninfringing use.

27           75. In violation of 35 U.S.C. § 271(f)(1), Edwards has supplied and/or caused  
28 to be supplied in or from the United States, and it continues to supply and/or cause to

1 be supplied in or from the United States, the '827 Catheter Systems and/or components  
2 of the '827 Catheter Systems, which constitute all or a substantial portion of the  
3 components of the inventions claimed in the '827 patent, including without limitation  
4 the inventions in at least claims 1 and 19 of the '827 patent, where such components  
5 are uncombined in whole or in part, and in such manner as to actively induce the  
6 combination of such components outside of the United States in a manner that would  
7 infringe at least claims 1 and 19 of the '827 patent (as set forth in paragraph 72) if such  
8 combination occurred within the United States.

9         76. In violation of 35 U.S.C. § 271(f)(2), Edwards has supplied and/or caused  
10 to be supplied in or from the United States, and it continues to supply and/or cause to  
11 be supplied in or from the United States, the '827 Catheter Systems and/or components  
12 of the '827 Catheter Systems, (i) which are especially made or especially adapted for  
13 use in the inventions claimed in the '827 patent, including without limitation the  
14 inventions in at least claims 1 and 19 of the '827 patent, (ii) which are not staple  
15 articles or commodities of commerce suitable for substantial noninfringing use, and  
16 (iii) where such component is uncombined in whole or in part, knowing that such  
17 component is so made or adapted and intending that such component will be combined  
18 outside of the United States in a manner that would infringe at least claims 1 and 19 of  
19 the '827 patent (as set forth in paragraph 72) if such combination occurred within the  
20 United States.

21         77. Edwards has had actual knowledge of the '827 patent prior to the filing of  
22 this Complaint. Despite Boston Scientific's notice, Edwards has continued to infringe  
23 at least claims 1 and 5 of the '827 patent. Edwards' infringement is objectively  
24 reckless, knowing, deliberate, and willful.

25         78. Boston Scientific has been damaged as a result of Edwards' infringing  
26 conduct and is entitled to recover damages that adequately compensates it for  
27 Edwards' infringement, which by law cannot be less than a reasonable royalty,  
28 together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

**COUNT 8: INFRINGEMENT OF U.S. PATENT NO. 6,915,560**

79. Boston Scientific realleges paragraphs 1-78 above as if fully set forth herein.

80. U.S. Patent No. 6,915,560 (the “‘560 patent”), entitled “Apparatus For Contracting, Loading Or Crimping Self-Expanding And Balloon Expandable Stent Devices,” is a valid, enforceable patent that was duly issued by the USPTO on July 12, 2005 in full compliance with Title 35 of the United States Code. A true and correct copy of the ‘560 patent is attached as Exhibit H.

81. BSSI is the assignee of the ‘560 patent with ownership of all substantial rights in the ‘560 patent, including the right to exclude others and to enforce, sue and recover damages for past and future infringements. BSC is the exclusive licensee of the ‘560 patent.

82. Edwards has directly infringed, and continues to directly infringe, at least claim 1 of the ‘560 patent in violation of 35 U.S.C. § 271(a) by, for example and without limitation, making, using, offering to sell, selling, and/or importing in and into the United States certain crimping products, including the Edwards Crimper described at, for example and without limitation, <http://www.edwards.com/eu/products/transcathetervalves/pages/pulmonicmodels.aspx> and [http://www.edwards.com/\\_layouts/Edwards.Moss.Web.WebApp/uss3/sapien3.htm](http://www.edwards.com/_layouts/Edwards.Moss.Web.WebApp/uss3/sapien3.htm) (“The Edwards Crimper is indicated for use in preparing the Edwards SAPIEN 3 transcatheter heart valve for implantation.”) On information and belief, the Edwards Crimper is described in Figure 2 of WO2007/030825.

83. Edwards has actively induced others to infringe at least claim 1 of the ‘560 patent in violation of 35 U.S.C. § 271(b) by instructing others to use certain crimping products, including the Edwards Crimper. Edwards’ active inducement includes, for example and without limitation, marketing, selling, and offering to sell the Edwards Crimper, providing instructions on how to use the Edwards Crimper, and promoting the use of the Edwards Crimper. On information and belief, Edwards has

1 induced such infringement with the intent that one or more claims of the '560 patent be  
2 infringed.

3 84. Edwards has contributed to infringement by others of at least claim 1 of  
4 the '560 patent in violation of 35 U.S.C. § 271(c) by selling the Edwards Crimper  
5 and/or components of the Edwards Crimper, which is a component of a patented  
6 apparatus and which constitutes a material part of the invention in at least claim 1 of  
7 the '560 patent. Edwards has sold the Edwards Crimper knowing the same to be  
8 especially made or especially adapted for use in an infringement of at least claim 1 of  
9 the '560 patent, and that the Edwards Crimper is not a staple article or commodity of  
10 commerce suitable for substantial noninfringing use.

11 85. In violation of 35 U.S.C. § 271(f)(1), Edwards has supplied and/or caused  
12 to be supplied in or from the United States, and it continues to supply and/or cause to  
13 be supplied in or from the United States, the Edwards Crimper and/or components of  
14 the Edwards Crimper, which constitute all or a substantial portion of the components  
15 of the inventions claimed in the '560 patent, including without limitation the  
16 inventions in at least claim 1 of the '560 patent, where such components are  
17 uncombined in whole or in part, and in such manner as to actively induce the  
18 combination of such components outside of the United States in a manner that would  
19 infringe at least claim 1 of the '560 patent if such combination occurred within the  
20 United States.

21 86. In violation of 35 U.S.C. § 271(f)(2), Edwards has supplied and/or caused  
22 to be supplied in or from the United States, and it continues to supply and/or cause to  
23 be supplied in or from the United States, the Edwards Crimper and/or components of  
24 the Edwards Crimper, (i) which are especially made or especially adapted for use in  
25 the inventions claimed in the '560 patent, including without limitation the inventions in  
26 at least claim 1 of the '560 patent, (ii) which are not staple articles or commodities of  
27 commerce suitable for substantial noninfringing use, and (iii) where such component is  
28 uncombined in whole or in part, knowing that such component is so made or adapted



1 and intending that such component will be combined outside of the United States in a  
2 manner that would infringe at least claim 1 of the '560 patent if such combination  
3 occurred within the United States.

4 87. Edwards has had actual knowledge of the '560 patent prior to the filing of  
5 this Complaint. Despite Boston Scientific's notice, Edwards has continued to infringe  
6 at least claim 1 of the '560 patent. Edwards' infringement is objectively reckless,  
7 knowing, deliberate, and willful.

8 88. Boston Scientific has been damaged as a result of Edwards' infringing  
9 conduct and is entitled to recover damages that adequately compensates it for  
10 Edwards' infringement, which by law cannot be less than a reasonable royalty,  
11 together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

12 **PRAYER FOR RELIEF**

13 **WHEREFORE**, Boston Scientific respectfully requests the following relief:

14 A. The entry of a judgment in favor of Boston Scientific, and against  
15 Edwards, that Edwards has infringed, induced infringement, and contributed to  
16 infringement of one or more claims of the '062 patent and declaring that Edwards'  
17 importing, making, using, offering to sell, or selling one or more of the Catheter  
18 Systems in the United States are and would be acts of infringement of one or more  
19 claims of the '062 patent;

20 B. The entry of a judgment in favor of Boston Scientific, and against  
21 Edwards, that Edwards has willfully infringed one or more claims of the '062 patent;

22 C. The entry of a judgment in favor of Boston Scientific, and against  
23 Edwards, that Edwards has infringed, induced infringement, and contributed to  
24 infringement of one or more claims of the '558 patent and declaring that Edwards'  
25 importing, making, using, offering to sell, or selling one or more of the Catheter  
26 Systems in the United States are and would be acts of infringement of one or more  
27 claims of the '558 patent;

28 D. The entry of a judgment in favor of Boston Scientific, and against



1 Edwards, that Edwards has willfully infringed one or more claims of the '558 patent;

2 E. The entry of a judgment in favor of Boston Scientific, and against  
3 Edwards, that Edwards has infringed, induced infringement, and contributed to  
4 infringement of one or more claims of the '962 patent and declaring that Edwards'  
5 importing, making, using, offering to sell, or selling one or more of the Catheter  
6 Systems in the United States are and would be acts of infringement of one or more  
7 claims of the '962 patent;

8 F. The entry of a judgment in favor of Boston Scientific, and against  
9 Edwards, that Edwards has willfully infringed one or more claims of the '962 patent;

10 G. The entry of a judgment in favor of Boston Scientific, and against  
11 Edwards, that Edwards has infringed, induced infringement, and contributed to  
12 infringement of one or more claims of the '234 patent and declaring that Edwards'  
13 importing, making, using, offering to sell, or selling one or more of the Catheter  
14 Systems in the United States are and would be acts of infringement of one or more  
15 claims of the '234 patent;

16 H. The entry of a judgment in favor of Boston Scientific, and against  
17 Edwards, that Edwards has willfully infringed one or more claims of the '234 patent;

18 I. The entry of a judgment in favor of Boston Scientific, and against  
19 Edwards, that Edwards has infringed, induced infringement, and contributed to  
20 infringement of one or more claims of the '767 patent and declaring that Edwards'  
21 importing, making, using, offering to sell, or selling one or more of the Catheter  
22 Systems in the United States are and would be acts of infringement of one or more  
23 claims of the '767 patent;

24 J. The entry of a judgment in favor of Boston Scientific, and against  
25 Edwards, that Edwards has willfully infringed one or more claims of the '767 patent;

26 K. The entry of a judgment in favor of Boston Scientific, and against  
27 Edwards, that Edwards has infringed, induced infringement, and contributed to  
28 infringement of one or more claims of the '543 patent and declaring that Edwards'

1 importing, making, using, offering to sell, or selling one or more of the Catheter  
2 Systems in the United States are and would be acts of infringement of one or more  
3 claims of the '543 patent;

4 L. The entry of a judgment in favor of Boston Scientific, and against  
5 Edwards, that Edwards has willfully infringed one or more claims of the '543 patent;

6 M. The entry of a judgment in favor of Boston Scientific, and against  
7 Edwards, that Edwards has infringed, induced infringement, and contributed to  
8 infringement of one or more claims of the '827 patent and declaring that Edwards'  
9 importing, making, using, offering to sell, or selling one or more of the Catheter  
10 Systems in the United States are and would be acts of infringement of one or more  
11 claims of the '827 patent;

12 N. The entry of a judgment in favor of Boston Scientific, and against  
13 Edwards, that Edwards has willfully infringed one or more claims of the '827 patent;

14 O. The entry of a judgment in favor of Boston Scientific, and against  
15 Edwards, that Edwards has infringed, induced infringement, and contributed to  
16 infringement of one or more claims of the '560 patent and declaring that Edwards'  
17 importing, making, using, offering to sell, or selling the Edwards Crimper in the United  
18 States are and would be acts of infringement of one or more claims of the '560 patent;

19 P. The entry of a judgment in favor of Boston Scientific, and against  
20 Edwards, that Edwards has willfully infringed one or more claims of the '560 patent;

21 Q. The entry of a judgment in favor of Boston Scientific, and against  
22 Edwards, that Edwards and its officers, employees, agents, attorneys, affiliates,  
23 successors, assigns and others acting in privity or concert with it be preliminarily and  
24 permanently enjoined from making, using, offering to sell, and selling or inducing or  
25 contributing to others to make, use, offer to sell, or sell any product that infringe any of  
26 the Patents-In-Suit, including the Sapien 3, the Catheter Systems, and/or the Edwards  
27 Crimper, and from importing the same into the United States;

28 R. Entry of a judgment awarding Boston Scientific damages resulting from

1 Edwards' infringement in an amount no less than a reasonable royalty, and that such  
2 amount be multiplied based on Edwards' willful infringement;

3 S. The entry of a judgment declaring that this is an exceptional case and  
4 awarding Boston Scientific its attorneys' fees in this matter pursuant to 35 U.S.C.  
5 § 285;

6 T. The entry of a judgment in favor of Boston Scientific, and against  
7 Edwards, that interest, costs, and expenses be awarded in favor of Boston Scientific;  
8 and

9 U. And that this court order such other relief as the Court may deem just and  
10 proper.

**JURY DEMAND**

Boston Scientific hereby demands trial by jury in this action on all issues so triable.

Dated: April 19, 2016

By: /s/Amie L. Medley

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