

# NewsRelease

For Immediate Release:

## Cadwalader IP Jury Trial Team Wins Complete Defense Victory for AngioDynamics in First Impression Defense of Patent Ineligibility

**New York, May 29, 2019** — During a jury trial representing the culmination of over four years of hard fought litigation, AngioDynamics secured a complete defense victory against rival C. R. Bard, which sought upwards of \$200 million in treble damages for the alleged infringement of three medical device patents. The Court found as a matter of law that the Asserted Patents were invalid, not patent-eligible, not infringed and not willfully infringed.

Following the close of C. R. Bard's case-in-chief, the Cadwalader IP Jury Trial Team—led by partners Chris Hughes and John Moehringer; special counsel Danielle Tully and Robert Pollaro; associates Michael Powell, Michael Sebba, Maegan Fuller and Jaclyn Hall; and staff attorney Jessica Talar—moved to dismiss C. R. Bard's case under Rule 50(a) on grounds mirroring those previously brought under Rule 56. Judge Joseph F. Bataillon, sitting by designation in the District of Delaware, sustained AngioDynamics's motion in its entirety:

At trial, on March 7, 2019, the Court sustained AngioDynamics's oral motion for Judgment as a Matter of Law, as well as its motions for summary judgment under Federal Rule of Civil Procedure 56, on the grounds that the claims of the Asserted Patents are invalid, not patent-eligible, not infringed and not willfully infringed.

(D.I. 460, Memorandum and Order.) While C. R. Bard's case has been completely dismissed, AngioDynamics's affirmative claims, including claims relating to C. R. Bard's inequitable conduct before the USPTO, remain pending.

The result is particularly noteworthy because: (1) it was the first time a patent ineligibility/abstract idea defense (35 U.S.C. § 101) was presented to a jury; (2) the “printed matter” doctrine played a central role; and (3) the victory came at the close of the plaintiff’s case-in-chief on an oral motion made to the Court. Targeted cross-examination by the Cadwalader team, a series of probing questions from the judge, and consistent and persuasive oral and written advocacy led to AngioDynamics’s favorable outcome.

Earlier reporting on the case can be found here:

<https://www.law360.com/articles/1154118/del-judge-tosses-bard-s-67-5m-vascular-port-ip-case>

<https://www.law360.com/articles/1135010/bard-seeks-67m-damages-award-in-vascular-port-ip-case>

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