

Court Finds Non-Infringement In Alaris, ICU Case

Wednesday, July 19, 2006 --- A district court judge has put an end to a dispute between two industry rivals over the patents for needle-free valves, granting partial summary judgment of non-infringement to Alaris Medical Systems Inc. in a case brought by ICU Medical Inc.

The U.S. District Court for the Central District of California granted summary judgment of non-infringement for three out of the four patents in question, after a two-day Markman hearing.

Although the court did not grant Alaris' motion for summary judgment for the fourth patent, a debate over claims construction ended with a ruling in Alaris' favor.

ICU sued its rival, which is a unit of Cardinal Health Inc., on June 16, 2004. The company filed the lawsuit after the U.S. Patent and Trademark Office issued a Certificate of Correction on June 15, 2004 for United States Patent No. 6,682,509, owned by ICU Medical.

The lawsuit asserted that Alaris infringed ICU Medical's patents in the manufacture and sale of the SmartSite and SmartSite Plus needle-free valves and systems.

The patents in question cover technology that relates "to a medical device—a needle-free valve which, when opened, can deliver drugs, blood and other fluids to and from a patient through intravenous tubing."

ICU Medical had sought a permanent injunction against Alaris, monetary damages, and its attorneys' fees and costs.

Early into the case, the court denied ICU's motion for a preliminary injunction against Alaris' products, a setback that ICU Medical brushed off as insignificant, pointing out that preliminary injunctions are rarely granted.

"This denial of preliminary injunction only means that Alaris will be able to continue to sell the products while the case is in the courts. Our company will continue to vigorously protect and enforce our patents using all remedies provided by law to which we believe we are entitled," said Dr. George Lopez, chairman and president of ICU Medical, in a statement at the time.

Alaris had claimed that the allegations in rival ICU Medical Inc.'s patent lawsuit were "wholly without merit" and the company doesn't believe that the Alaris SmartSite and SmartSite Plus needle-free products infringe on ICU Medical's patent.

The patents in question are U.S. Patents 5,685,866; 5,873,862; 6,572,592; and 6,682,509.

ICU Medical is represented in this matter by attorneys for Paul Hastings Janofsky and Walker. Alaris is represented by attorneys for McAndrews Held and Malloy and McDermott Will & Emery.

The case is ICU Medical Inc. v. Alaris Medical Systems Inc., case no. 8:04-cv-00689-AHS-VBK, U.S. District Court for the Central District of California.

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