

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

VASCULAR SOLUTIONS LLC,)	
TELEFLEX INNOVATIONS S.à r.l.,)	
ARROW INTERNATIONAL, INC.,)	
and TELEFLEX LLC)	No. _____
)	
Plaintiff,)	
)	
v.)	Jury Trial Demanded
)	
MEDTRONIC, INC., and)	
MEDTRONIC VASCULAR, INC.,)	
)	
Defendant.)	

COMPLAINT

This is a complaint for patent infringement. Vascular Solutions LLC, Teleflex Innovations S.à r.l. (“Teleflex S.à r.l.”), Arrow International, Inc. (“Arrow”), and Teleflex LLC (collectively “VSI”) bring this action against Defendants Medtronic, Inc., and Medtronic Vascular, Inc. (collectively “Medtronic”) and state as follows.

PARTIES

1. Plaintiff Vascular Solutions LLC is a Minnesota entity with a place of business at 6464 Sycamore Court North, Maple Grove, MN 55369. Together with its affiliated companies, Vascular Solutions LLC develops and manufactures clinical products for use in minimally invasive coronary and peripheral vasculature procedures. Vascular Solutions LLC’s innovative products are developed to satisfy the needs of physicians performing complex vascular procedures.

2. Plaintiff Teleflex S.à r.l. is a Luxembourg corporation affiliated with Vascular Solutions LLC. Teleflex S.à r.l. is the owner by assignment of the patents-in-suit. Teleflex S.à r.l. granted an exclusive license to the patents-in-suit to Vascular Solutions LLC to make, use, offer to sell, and sell products that are covered by the patents-in-suit along with the right to participate in litigation to enforce the patents-in-suit and other rights and obligations as stated in agreements between Vascular Solutions LLC and Teleflex S.à r.l.

3. Plaintiff Arrow is a Pennsylvania corporation with a place of business at 550 East Swedesford Road, Suite 400, Wayne, PA 19087 and is affiliated with Vascular Solutions LLC and Teleflex S.à r.l. Vascular Solutions LLC granted Arrow an exclusive license to offer to sell and sell under the patents-in-suit; a right to participate in litigation to enforce the patents-in-suit; and other rights and obligations as stated in the agreements between Vascular Solutions LLC and Arrow.

4. Plaintiff Teleflex LLC employs individuals, as part of a service provider relationship with Arrow, that sell products that practice the patents-in-suit. Teleflex LLC has entered into a binding asset purchase agreement with Arrow (scheduled to close in August 2019) that, among other things, transfers to Teleflex LLC all customer contracts, distributor agreements, sales contracts and other commitments and, in August, will be paired with a distribution agreement providing to Teleflex LLC the exclusive right to offer to sell and sell under the patents-in-suit.

5. Defendant Medtronic, Inc. is a Minnesota corporation with a place of business at 710 Medtronic Parkway, Minneapolis, MN 55432.

6. Defendant Medtronic Vascular, Inc. is a Delaware company with a place of business at 3576 Unocal Place, Fountaingrove A, Santa Rosa, CA 95403. Medtronic Vascular, Inc. is registered to do business in Minnesota with a registered business address of 2345 Rice Street, Suite 230, Roseville, MN 55113. The Minnesota Secretary of State Business Record Details identify the Chief Executive Officer of Medtronic Vascular, Inc. as Sean Salmon and list an address for the Chief Executive Officer at 710 Medtronic Parkway, LC300, Minneapolis, MN 55432.

JURISDICTION

7. This action arises under the Patent Act, 35 U.S.C. § 271 *et seq.*

8. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

9. This Court has personal jurisdiction over Defendants. Medtronic, Inc. is incorporated in and is a resident of Minnesota and maintains an office and transacts business within Minnesota. Medtronic Vascular, Inc. is registered to conduct business in Minnesota, maintains a registered office in Minnesota, and identifies its Chief Executive Officer with an address in Minnesota.

10. Venue is proper in this District under 28 U.S.C. § 1391 and 1400(b). Medtronic, Inc. is incorporated in and is a resident of Minnesota and maintains an office and transacts business within Minnesota. Medtronic Vascular, Inc. is registered to conduct business in Minnesota, maintains a registered office in Minnesota, and identifies its Chief Executive Officer with an address in Minnesota. Medtronic has committed acts of infringement described herein in Minnesota.

MEDTRONIC'S INFRINGING PRODUCTS AND ACTIVITIES

11. Medtronic has committed acts of patent infringement by making, using, selling, offering for sale, and/or importing into the United States a guide extension catheter for interventional cardiology procedures marketed and sold as the Telescope Guide Extension Catheter.

12. Medtronic's Telescope product is available in two sizes: 6F and 7F. When both products are discussed collectively they will be referred to as "Telescope." If referred to separately, they will be referred to as "Telescope 6F" and "Telescope 7F," respectively.

13. Medtronic's Telescope catheter and its uses are a copy of VSI's industry-leading and bestselling interventional product, the GuideLiner catheter, and its uses, and of the patented features of the GuideLiner catheter that resulted in its remarkable success.

14. A copy of Medtronic's in-service slide deck for its Telescope catheter is attached as Exhibit A. Medtronic believes and intends that the product information for the Telescope catheter in Exhibit A is accurate.

15. A copy of Medtronic's Instructions for Use for the Telescope catheter is attached as Exhibit B. Exhibit B is accessible through <https://www.medtronic.com/us-en/healthcare-professionals/products/cardiovascular/coronary-catheters/telescope.html>, which is a link provided on Medtronic's website <https://www.medtronic.com/us-en/index.html>. Medtronic believes and intends that the product information for the Telescope catheter in Exhibit B is accurate.

16. A copy of Medtronic's website page for the Telescope catheter is attached as Exhibit C. Exhibit C is accessible through <https://www.medtronic.com/us-en/healthcare-professionals/products/cardiovascular/coronary-catheters/telescope.html>, which is a link provided on Medtronic's website <https://www.medtronic.com/us-en/index.html>. Medtronic believes and intends that the product information for the Telescope catheter in Exhibit C is accurate.

17. A copy of a Medtronic press release relating to the Telescope catheter dated May 16, 2019 is attached as Exhibit D. Exhibit D is accessible through <http://newsroom.medtronic.com/phoenix.zhtml?c=251324&p=irol-newsArticle&ID=2398888>, which is a link provided on Medtronic's website <https://www.medtronic.com/us-en/index.html>. Medtronic believes and intends that the product information for the Telescope catheter in Exhibit D is accurate.

18. A copy of a letter from the U.S. Food and Drug Administration ("FDA") to Medtronic concerning Medtronic's Section 510(k) premarket notification of intent to market the Telescope catheter is attached as Exhibit E. Pages 3 through 7 of Exhibit E were submitted by or on behalf of Medtronic to the FDA and contain a summary of the contents of Medtronic's Section 510(k) premarket notification of intent to market the Telescope catheter. Medtronic believes and intends that the information concerning the Telescope catheter and Medtronic's 510(k) premarket notification of intent to market the Telescope catheter are accurate.

19. Exhibit E states that "Medtronic's TelescopeTM Guide Extension Catheter is substantially equivalent to the predicate device based on similarities in intended use and

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