

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

VASCULAR SOLUTIONS LLC,)	
TELEFLEX LIFE SCIENCES)	
LIMITED, ARROW)	
INTERNATIONAL, INC., and)	No. 0:19-cv-01760-PJS-TNL
TELEFLEX LLC)	
)	
Plaintiff,)	
)	Jury Trial Demanded
v.)	
)	
MEDTRONIC, INC., and)	
MEDTRONIC VASCULAR, INC.,)	
)	
Defendant.)	

FIRST AMENDED AND SUPPLEMENTAL COMPLAINT

This is a complaint for patent infringement. Vascular Solutions LLC, Teleflex Life Sciences Limited, 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. As of the filing of the original Complaint, Plaintiff Teleflex Innovations S.à r.l. was a Luxembourg corporation affiliated with Vascular Solutions LLC and the owner of the patents-in-suit. Teleflex Innovations 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 Innovations 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 Life Sciences Limited. As of the filing of the original Complaint, Vascular Solutions LLC had 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. As of the filing of the original Complaint, Plaintiff Teleflex LLC employed individuals, as part of a service provider relationship with Arrow, that sell products that practice the patents-in-suit. On or about August 5, 2019, Teleflex LLC and Arrow entered into an exclusive distribution agreement.

5. As a result of a merger conducted on or about September 30, 2019, Teleflex Innovations S.à.r.l. merged into and was absorbed by its parent company, Teleflex Medical Devices S.à.r.l., a private limited liability company incorporated under the laws of the Grand-Duchy of Luxembourg. As a result of this merger, the patents-in-suit

became the property of Teleflex Medical Devices S.à.r.l. as successor-in-interest to Teleflex Innovations S.à.r.l.

6. As a result of a subsequent asset transfer conducted on or about December 30, 2019, the patents-in-suit were transferred from Teleflex Medical Devices S.à.r.l. to Teleflex Life Sciences Limited, a limited liability company duly incorporated and validly existing under the laws of Malta, having its registered office at 171, Old Bakery Street, Valletta VLT 1455, Malta. As a consequence of this asset transfer, the patents-in-suit became the property of Teleflex Life Sciences Limited, and Teleflex Life Sciences Limited assumed all the rights and obligations of Teleflex Medical Devices S.à.r.l and its predecessor-in-interest Teleflex Innovations S.à.r.l., including their right to sue and recover for past and future infringements.

7. Effective February 3, 2020, the license agreement between Teleflex Life Sciences Limited and Vascular Solutions LLC and the license agreement between Vascular Solutions LLC and Arrow were terminated by agreement of the parties. Vascular Solutions LLC and Arrow maintained their right to sue for infringement occurring prior to the effective date of the termination agreement.

8. Effective February 3, 2020, Teleflex Life Sciences Limited granted Teleflex LLC an exclusive license to make, have made, use, sell, offer for sale, and import 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 the agreement between Teleflex Life Sciences Limited and Teleflex LLC.

9. Effective February 3, 2020, Teleflex LLC granted Vascular Solutions LLC an exclusive license to make and have made 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 the agreement between Teleflex LLC and Vascular Solutions LLC.

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

11. 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

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

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

14. 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.

15. 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

16. 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.

17. 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.

18. 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.

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