

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

VASCULAR SOLUTIONS LLC,
TELEFLEX INNOVATIONS S.À R.L.,
ARROW INTERNATIONAL, INC., AND
TELEFLEX LLC,

Court File No. 0:19-cv-1760 (PJS/TNL)

Plaintiffs/Counterclaim Defendants,

v.

**DEFENDANTS' ANSWER, DEFENSES,
AND COUNTERCLAIMS TO
PLAINTIFFS' COMPLAINT**

MEDTRONIC, INC., AND MEDTRONIC
VASCULAR, INC.,

Defendants/Counterclaim Plaintiffs.

Defendants Medtronic, Inc. and Medtronic Vascular, Inc. (collectively “Medtronic”) hereby answer and otherwise respond as follows to the Complaint of Plaintiffs Vascular Solutions LLC, Teleflex Innovations S.à r.l., Arrow International, Inc., and Teleflex LLC (collectively “Teleflex”). All averments and allegations not expressly admitted herein are denied. The paragraph numbers and headings correspond to those in the Complaint.

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.

ANSWER: Medtronic lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 1, and therefore denies the same.

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.

ANSWER: Medtronic lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 2, and therefore denies the same.

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.

ANSWER: Medtronic lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 3, and therefore denies the same.

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.

ANSWER: Medtronic lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 4, and therefore denies the same. Medtronic denies that Teleflex LLC has standing to assert claims for patent infringement against Medtronic because, according to Teleflex's own allegations in Paragraph 4, Teleflex LLC did not have rights to offer and sell under the patents-in-suit at the time the Complaint was filed on July 2, 2019.

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

ANSWER: Medtronic admits the allegations in Paragraph 5.

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.

ANSWER: Medtronic admits that Medtronic Vascular, Inc. is a Delaware company with a place of business at 3576 Unocal Place, Fountaingrove A, Santa Rosa, CA 95403. Medtronic also admits that Medtronic Vascular, Inc. is registered to do business in Minnesota with a registered agent address of 2345 Rice Street, Suite 230, Roseville, MN 55113. Medtronic further admits that the Minnesota Secretary of State Business Records Details identify the Chief Executive Officer of Medtronic Vascular 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.*

ANSWER: The allegations in Paragraph 7 state legal conclusions to which no answer is necessary. To the extent an answer is required, Medtronic admits that the Complaint purports to state a cause of action under 35 U.S.C. § 271 *et seq.*

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

ANSWER: The allegations in Paragraph 8 state legal conclusions to which no answer is necessary. To the extent an answer is required, Medtronic admits that the Complaint purports to state a cause of action which would provide this Court with 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.

ANSWER: The allegations in Paragraph 9 state legal conclusions to which no answer is necessary. To the extent an answer is required, Medtronic admits that it is subject to personal jurisdiction in Minnesota based on the claims made in the Complaint.

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.

ANSWER: The allegations in Paragraph 10 state legal conclusions to which no answer is necessary. To the extent an answer is required, Medtronic admits that Medtronic, Inc. is incorporated in and is a resident of Minnesota, and that it transacts business within Minnesota. Medtronic further admits that 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 denies that it has committed acts of infringement in Minnesota or elsewhere. Medtronic does not contest venue in this District.

**MEDTRONIC'S ALLEGEDLY 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.

ANSWER: Medtronic denies the allegations in Paragraph 11.

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.

ANSWER: Medtronic admits that the Telescope Guide Extension Catheter (the "Telescope™ Catheter") is available in two sizes. The remainder of Paragraph 12 does not require a response.

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.

ANSWER: Medtronic denies that the Telescope™ Catheter and its uses are a copy of GuideLiner, its uses, or allegedly patented features. Medtronic further denies that Guideliner is "industry-leading and bestselling" and that Guideliner has achieved "remarkable success" as a result of its uses and allegedly patented features or otherwise.

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.

ANSWER: Medtronic admits that Exhibit A to the Complaint is a document that contains information about the Telescope™ Catheter that was believed to be accurate at the time the document was drafted. Medtronic denies Teleflex's characterization of Exhibit A to the extent it differs from the contents of the exhibit itself.

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