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7 Attorneys for Plaintiff
Colibri Heart Valve LLC

9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA
11 SOUTHERN DIVISION

13 Colibri Heart Valve LLC,
14 Plaintiff,
15 v.
16 Medtronic CoreValve LLC; and
Medtronic plc,
17 Defendants.

Case No.

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

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1 Plaintiff Colibri Heart Valve LLC (“Colibri” or “Plaintiff”), by and through
2 the undersigned counsel, brings this action against Defendants Medtronic
3 CoreValve LLC and Medtronic plc (together, “Medtronic”) alleging as follows:

4 **INTRODUCTION**

5 1. This is an action by Colibri against Medtronic for infringement of U.S.
6 Patent Nos. 9,125,739 (“the ’739 patent”) and 8,900,294 (“the ’294 patent”), which
7 claim groundbreaking artificial heart valves and methods for using them.

8 2. Heart disease is the leading cause of death in the U.S. Over five
9 million people in the U.S. are diagnosed with heart valve disease annually.
10 Sometimes heart valve disease can be treated with medication, or the diseased heart
11 valve can be repaired through surgery. In severe cases, however, the heart valve is
12 so diseased that it cannot be treated by medication or repaired, and must be replaced
13 with an artificial heart valve. Over 100,000 defective heart valves are replaced in
14 the U.S. each year.

15 3. Inventors Drs. David Paniagua and R. David Fish, leading
16 interventional cardiologists and innovators in the field of cardiovascular
17 intervention, have worked hard to address the need for treatment options for
18 patients who suffer from debilitating heart valve disease and require a new heart
19 valve. Their work has resulted in the discovery and development of artificial heart
20 valves and treatment methodologies that could offer patients an opportunity to
21 receive a less invasive heart valve therapy. Drs. Paniagua and Fish co-founded
22 Colibri, and their work became the basis for Colibri’s patented inventions.

23 4. Colibri’s life-saving inventions include a patented, self-expanding
24 heart valve device that includes cross-linked biological tissue and a delivery system
25 that can be guided through a patient’s artery to the heart where it is positioned and
26 used to replace diseased valves. The patented device and method of controlled
27 release, which includes making a small incision through which a thin, flexible tube
28 is inserted into the artery, is far less invasive than open heart surgery. The

1 controlled release capability permits a surgeon to recover the patented heart valve
2 device during deployment. For its innovation, Colibri was awarded the '294 Patent
3 and the '739 Patent, among others.

4 5. Medtronic manufactures and sells self-expanding heart valves and
5 delivery systems, including transcatheter aortic valve replacement (TAVR)
6 products that infringe Colibri's patents. The Medtronic TAVR devices go by a
7 variety of names, including CoreValve, CoreValve Evolut R, CoreValve Evolut
8 PRO, and CoreValve Evolut PRO+ (the "CoreValve Products"). Medtronic's
9 infringing CoreValve Products include cross-linked biological tissue and a delivery
10 system that can be guided through a patient's artery to the heart where they are
11 positioned and used to replace diseased valves, as taught by Colibri's patents, and
12 are inserted using Colibri's patented method of controlled release.

13 **THE PARTIES**

14 6. Plaintiff Colibri Heart Valve LLC is a corporation organized under the
15 laws of Delaware, with its principal place of business at 486 South Pierce Avenue,
16 Suite B, Louisville, Colorado 80027.

17 7. Colibri is a medical device company that researches and develops
18 novel heart valve technologies. Colibri was founded in 2010 by Drs. Paniagua and
19 Fish.

20 8. On information and belief, Defendant Medtronic CoreValve LLC is a
21 corporation organized under the laws of Delaware, with a principal place of
22 business at 1851 East Deere Avenue, Santa Ana, California 92705.

23 9. On information and belief, Defendant Medtronic plc is a public limited
24 company organized under the laws of Ireland, with a principal place of business and
25 international headquarters in Dublin, Ireland. Medtronic plc is the successor entity
26 to Medtronic, Inc., and operates in the United States and elsewhere through
27 Medtronic CoreValve LLC, among other entities. Medtronic plc and Medtronic
28 CoreValve LLC are collectively referred to herein as "Medtronic."

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