

## **Court Grants Motion, Stays Patent Case for Saiber Client**

February 15, 2012

Along with co-counsel at Arnold & Porter, Saiber recently succeeded in convincing a federal court judge to stay a patent dispute concerning coronary stents. Saiber's client, Boston Scientific, had moved for the stay pending the completion of a reexamination of Plaintiffs' patents by the United States Patent and Trademark Office, which will determine if those patents are invalid. A final determination of invalidity would prevent Plaintiffs from arguing that Boston Scientific's product was infringing those patents.

United States District Judge Joel A. Pisano granted Boston Scientific's motion, determining that circumstances had changed since the Court rejected an earlier stay application. Boston Scientific argued that because Plaintiffs had withdrawn from the stent business, they were no longer competitors in that market and would suffer no prejudice by the imposition of a stay. Boston Scientific also argued that the reexamination proceedings had advanced and would likely simplify or resolve the issues in this case.

This decision followed closely on the heels of Judge Pisano's decision granting our prior motion for summary judgment in a companion Boston Scientific case, which also concerned different aspects of Plaintiffs' stent product. That decision has been appealed by Plaintiffs.

Saiber attorneys Arnold B. Calmann, Jeffrey Soos and Jakob B. Halpern were on Boston Scientific's successful brief.