

NEWS

Chase Medical wins patent lawsuit ruling

BY DAVE MOORE /Staff Writer

Dallas lawyers from Haynes and Boone have successfully sued two California firms that allegedly “willfully infringed” on the technology developed by a Richardson-based medical devices company.

In an April ruling, a Dallas federal district court judge ruled that BioVentrix (formerly known as CHF Technologies Inc.) and Endoscopic Technologies (also known as Estech), had to pay Chase Medical its attorney fees and expenses, which amounted to \$1.7 million, as well as doubled damages, which amounted to more than \$600,000. Awards against BioVentrix and Endoscopic totaled \$2.4 million, according to Haynes and Boone.

“We presented evidence that showed they actually targeted our doctors” in attempting to sell knock-off technology, said Phillip B. Philbin, a Haynes and Boone partner.

At issue was whether a device developed by BioVentrix and Endoscopic — called the “Blue Egg” — was a knockoff of Chase Medical’s device, which is called the “Mannequin.” The Mannequin — and its Blue Egg cousin — are designed to allow a heart to maintain its shape while it’s undergoing left ventricular reconstruction.

Philbin and fellow Haynes and Boone attorney Donald C. Templin joined lawyers from Austin-based Meyertons, Hood, Kivlin, Kowert & Goetzel PC in May 2007, nearly 2 1/2 years after litigation started, according to court records. Other Haynes



CRACKING SOME EGGS: Haynes and Boone lawyers Phillip Philbin, left, and Donald C. Templin successfully tried a case that resulted in the seizure of medical devices from hospitals across the country. BUD FORCE

and Boone lawyers in the case were Russ Emerson, Debbie McComas and Jacob Hodges.

Efforts to contact Chase Medical CEO and Chairman Bert Davis and the defendants in the case were unsuccessful.

“CHF and Estech have filed notice of appeal to the Federal Circuit,” wrote Mark Sayles, who represented the Blue Egg in the case. “The parties, however, are hopeful that the matter will be resolved amicably before the appeal process of briefing is required. If not resolved the appeal will proceed.”

About 750 of the Blue Eggs had been turned in as of late May.

HEART OF THE MATTER

NAME: Chase Medical LP

BUSINESS: Developing and manufacturing cardiac-related device

HEADQUARTERS: 1876 Firman Drive, Richardson 75081

OWNERSHIP: Private

TOP EXECUTIVE: Bert Davis, chairman and CEO

EMPLOYEES: Unknown

ANNUAL REVENUE: Unknown

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