

FILED

SEP 29 2015

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

ANGIOSCORE, INC.,

Plaintiff,

v.

TRIEME MEDICAL, LLC (f/k/a TRIEME
MEDICAL, INC.), EITAN KONSTANTINO,
QUATTRO VASCULAR PTE LTD., and QT
VASCULAR LTD. (f/k/a QT VASCULAR
PTE. LTD.),

Defendants.

Case No. 4:12-CV-3393-YGR

VERDICT FORM

Trial Date: September 14, 2015

Hon. Yvonne Gonzalez Rogers

1 **VERDICT FORM**

2 **WE, THE JURY, UNANIMOUSLY FIND AS FOLLOWS, IN ACCORDANCE WITH THE COURT'S**

3 **INSTRUCTIONS:**

4
5 **QUESTION 1:**

6 Has AngioScore proven that it is more likely than not that the Chocolate PTA Balloon
7 Catheter products include parts that are identical or equivalent to every requirement of Claim 1 of
8 the '119 Patent?

9

U.S. Patent No. 7,691,119			
Claim 1		YES	NO
[1a]	An angioplasty balloon catheter comprising: a catheter shaft carrying an inflatable/deflatable balloon having a proximal end and a distal end;	Yes	
[1b]	and a non-deployable radially expansible stent comprising a hypo tube disposed over the balloon and comprising a proximal end; a distal end;	Yes	
[1c]	and at least three longitudinally aligned, radially-spaced struts,	Yes	
[1d]	wherein each strut extends from the proximal end to the distal end		NO
[1e]	and prior to radial expansion has one or more bends that allow longitudinal expansion of the strut to accommodate radial expansion of the stent upon inflation of the balloon;		
[1f]	wherein the distal end of the hypo tube is attached to the distal end of the catheter shaft		
[1g]	and the proximal end of the tube is attached to the proximal end of the catheter shaft		
[1h]	and the stent is made of a material having a memory so that the stent radially collapses and the struts longitudinally shorten upon deflation of the balloon.		

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1 **If the answers to ALL parts of Question 1 above are "YES," then answer the**
2 **following question with respect to Claim 2, Claim 3, Claim 8, and Claim 9. If not, SKIP to**
3 **Question 7.**

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5 QUESTION 2:

6 Has AngioScore proven that it is more likely than not that the Chocolate PTA Balloon
7 Catheter products include parts that are identical or equivalent to the following additional
8 requirements of Claims 2, 3, 8, and 9 of the '119 Patent?

U.S. Patent No. 7,691,119	YES	NO
Claim 2: The angioplasty balloon of claim 1 wherein the stent is made of an alloy of nickel and titanium.		
Claim 3: The angioplasty balloon of claim 1 wherein the struts of the stent have a diameter of from 0.003" to 0.010".		
Claim 8: The angioplasty balloon of claim 1 wherein the struts of the stent are connected to each other intermediate the proximal end and distal end by connectors that include a bend which allows longitudinal expansion of the connectors to accommodate radial expansion of the balloon.		
Claim 9: The stent of claim 8 wherein the connectors in the struts comprise sinusoidal bends.		

1 **Answer the following questions (Questions 3-6) if you answered “YES” in Question 2**
2 **above with respect to Claim 2, Claim 3, Claim 8, and/or Claim 9. If not, SKIP to Question 7.**

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4 **QUESTION 3 (DIRECT INFRINGEMENT):**

5 Has AngioScore proven that it is more likely than not that the specific Defendant listed
6 below made, used, sold, or offered for sale within the United States, or imported into the United
7 States, the Chocolate PTA Balloon Catheter products?

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16 **QUESTION 4 (INDUCING PATENT INFRINGEMENT):**

17 With respect to each of the Defendants listed below, has AngioScore proven that it is more
18 likely than not that the listed Defendant actively induced infringement of any of the asserted
19 claims of the '119 Patent?

	Yes	No
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QUESTION 5 (CONTRIBUTORY INFRINGEMENT):

With respect to each of the Defendants listed below, has AngioScore proven that it is more likely than not that the listed Defendant contributed to the infringement of any of the asserted claims of the '119 Patent?

	Yes	No
TriReme Medical, LLC	_____	_____
Quattro Vascular PTE LTD.	_____	_____
QT Vascular LTD.	_____	_____
Eitan Konstantino	_____	_____

QUESTION 6 (WILLFUL INFRINGEMENT):

Has AngioScore proven by clear and convincing evidence that the specific Defendant's infringement has been willful? (If you checked the box "NO" for a specific defendant on all of Questions 3, 4, and 5, check "Not Applicable" for that specific defendant below.)

	Yes	No	Not Applicable
TriReme Medical, LLC	_____	_____	_____
Quattro Vascular PTE LTD.	_____	_____	_____
QT Vascular LTD.	_____	_____	_____
Eitan Konstantino	_____	_____	_____

1 QUESTION 7 (INVALIDITY – OBVIOUSNESS):

2 Have Defendants proved by clear and convincing evidence that any of the following
3 asserted claims is invalid for obviousness? Answer “YES” (for Defendants) or “NO” (for
4 AngioScore) for each asserted claim.

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Claim 2 of the '119 Patent: Yes

Claim 3 of the '119 Patent: Yes

Claim 8 of the '119 Patent: Yes

Claim 9 of the '119 Patent: Yes

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Answer the following question only if you:

(1) answered "YES" with respect to any Defendant in Questions 3, 4 and/or 5;

AND

(2) answered "NO" in response to Question 7 for at least one claim you answered "YES" to in response to Question 2.

Otherwise, SKIP to the end and sign and date the form.

QUESTION 8 (DAMAGES):

What amount do you find should be awarded as damages to AngioScore for Defendants' infringement?

Answer: _____% of \$11,269,000 in total sales of Chocolate PTA Balloon Catheter products through June 30, 2014.

Dated: 9/29/15

Marjan Zolfaghari
PRESIDING JUROR'S SIGNATURE

MARJAN ZOLFAGHARI
PRESIDING JUROR'S PRINTED NAME