

## Skilled in the Art: Latham Beats Heart Monitor Suit

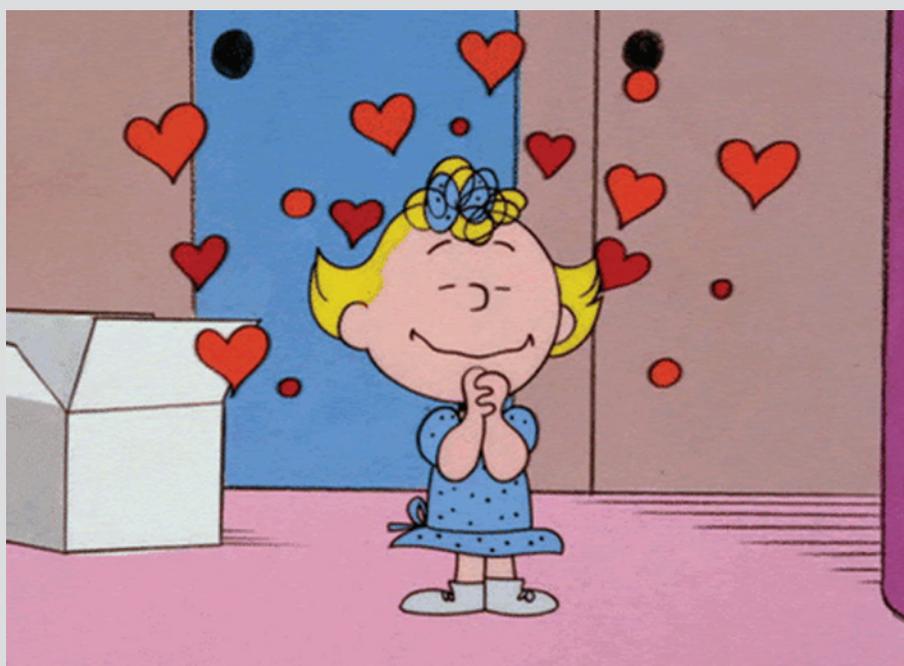
By Scott Graham

**Latham & Watkins** has defused a patent infringement lawsuit aimed at the only FDA-approved wireless heart sensing monitor on the market.

Competitor Integrated Sensing Systems sued Abbott Laboratories last year, accusing the company of infringing an ISS patent on an implantable microfabricated sensor device for measuring blood pressure or blood flow.

ISS alleged that it had had business discussions with Abbott in 2014 and 2015 about the technology, and provided a clinical study showing that St. Jude Medical's CardioMEMS product infringed ISS's 6,926,670 patent.

"Less than six months later, on April 20, 2016, and with full knowledge of ISS's '670 Patent, Abbott Labs announced the acquisition of St. Jude Medical for \$25 billion," ISS, represented by Brinks Gilson & Lione, alleged in an April 23, 2019, complaint.



Latham obtained a stay of the proceedings while filing IPR petitions that alleged the claimed sensors were "taught by multiple prior art references not before the examiner and by the admitted prior art." Last Wednesday, ISS requested adverse judgment from the PTAB, which effectively cancels the asserted claims, and dismissed its district court suit without prejudice.

Latham's team was led by partners **Mike Morin, Tara Elliott, Giri Pathmanaban,** and **Jon Strang**, with associates **Allison Harms, Bradley Hyde,** and **Blake Davis**.

*Scott Graham focuses on intellectual property and the U.S. Court of Appeals for the Federal Circuit. He writes ALM's Skilled in the Art IP briefing. Contact him at [sgraham@alm.com](mailto:sgraham@alm.com).*