IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

EDWARDS LIFESCIENCES AG and EDWARDS LIFESCIENCES LLC,	)	
Plaintiffs,	)	C.A. No. _____
v.	)	**DEMAND FOR JURY TRIAL**
MEDTRONIC, INC., MEDTRONIC COREVALVE, LLC, and MEDTRONIC VASCULAR, INC.	)	
Defendants.	)	

COMPLAINT

Plaintiffs Edwards Lifesciences AG ("Edwards AG") and Edwards Lifesciences LLC ("Edwards LLC") (collectively, "Plaintiffs"), for their Complaint against Defendants Medtronic, Inc. ("Medtronic"), Medtronic CoreValve, LLC ("Medtronic CoreValve"), and Medtronic Vascular, Inc. ("Medtronic Vascular") (collectively, "Defendants"), allege as follows:

JURISDICTION AND VENUE

1. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.* This Court has jurisdiction over the subject matter of this action based on 28 U.S.C. §§ 1338(a) and 1331. Venue is proper under 28 U.S.C. §§ 1391(b) and (c) and 1400(b).

THE PARTIES

Edwards

2. Plaintiff Edwards AG is a corporation organized and existing under the laws of Switzerland and having its principal executive offices in St.-Prex, Switzerland.

3. Plaintiff Edwards LLC is a limited liability company organized and existing under the laws of the State of Delaware and having its principal executive offices in Irvine, California.

4. Edwards AG is the assignee of the following United States Patent covering pioneering percutaneous heart valve products: U.S. Patent No. 7,618,446 ("the '446 Patent"). The '446 Patent discloses and claims, *inter alia*, collapsible and expandable tissue valve prostheses that replace human heart valves using minimally invasive catheterization procedures.

5. Edwards LLC is the exclusive licensee of the '446 Patent for the field of all cardiovascular applications.

Medtronic

6. Upon information and belief, Defendant Medtronic is a corporation organized and existing under the laws of the State of Minnesota and having its principal place of business in Minneapolis, Minnesota.

7. Upon information and belief, Medtronic is registered to do business in Delaware, and is doing business in Delaware.

8. Upon information and belief, Medtronic and/or its subsidiaries or affiliates have manufactured and currently manufacture in the United States heart valve prostheses, including the ReValving system, that infringe the '446 Patent.

9. Upon information and belief, Medtronic has offered and is currently offering for commercial sale and has commercially sold the ReValving system in Europe and elsewhere outside the United States.

10. Upon information and belief, Medtronic has knowingly and actively induced others to infringe the '446 Patent and continues to do so.

Medtronic CoreValve

11. Upon information and belief, Defendant Medtronic CoreValve is a corporation organized and existing under the laws of the State of Delaware and having its principal place of business in Irvine, California.

12. Upon information and belief, Medtronic CoreValve is a wholly owned subsidiary of, and controlled by, Medtronic.

13. Upon information and belief, Medtronic CoreValve has manufactured and currently manufactures in the United States heart valve prostheses, including the ReValving system, that infringe the '446 Patent.

14. Upon information and belief, Medtronic CoreValve has offered and is currently offering for commercial sale and has commercially sold the ReValving system in Europe and elsewhere outside the United States.

15. Upon information and belief, Medtronic CoreValve has knowingly and actively induced others to infringe the '446 Patent and continues to do so.

Medtronic Vascular

16. Upon information and belief, Defendant Medtronic Vascular is a corporation organized and existing under the laws of the State of Delaware and having its principal place of business in Santa Rosa, California.

17. Upon information and belief, Medtronic Vascular is a wholly owned subsidiary of, and controlled by, Medtronic.

18. Upon information and belief, Medtronic Vascular and/or its subsidiaries or affiliates have manufactured and currently manufacture in the United States heart valve prostheses, including the ReValving system, that infringe the '446 Patent.

19. Upon information and belief, Medtronic Vascular has knowingly and actively induced others to infringe the '446 Patent and continues to do so.

INFRINGEMENT OF THE '446 PATENT

20. Plaintiffs repeat and reallege the allegations of paragraphs 1 through 19 above.

21. On November 17, 2009, U.S. Patent No. 7,618,446 ("the '446 Patent") (a copy of which obtained from the U.S. Patent and Trademark Office on November 17, 2009 is attached hereto as Exh. 1), entitled "A Valve Prosthesis for Implantation in the Body and a Catheter for Implanting Such Valve Prosthesis," was duly and legally issued to Drs. Henning Rud Andersen, John Michael Hasenkam, and Lars Lyhne Knudsen. Edwards AG is the assignee, and Edwards LLC is the exclusive licensee of the '446 Patent for the field of all cardiovascular applications. Plaintiffs are the owners of all rights, title and interest in and to the '446 Patent, including all rights to recover for any and all past infringement thereof, in the field of all cardiovascular applications.

22. Upon information and belief, and in violation of 35 U.S.C. § 271, Medtronic, Medtronic CoreValve and Medtronic Vascular have been and are now infringing the '446 Patent by manufacturing, using, importing, selling, offering to sell and/or supplying heart valve prostheses covered by one or more claims of the '446 Patent, including products designated as the ReValving system.

23. Upon information and belief, and in violation of 35 U.S.C. § 271, Medtronic, Medtronic CoreValve and Medtronic Vascular have been and are now infringing the '446 Patent, including at least by their knowing and active inducement of the manufacturing,

using, importing, selling, offering to sell and/or supplying heart valve prostheses covered by one or more claims of the '446 Patent, including products designated as the ReValving system.

24. Defendants' foregoing infringement has been willful and deliberate, rendering this case exceptional within the meaning of 35 U.S.C. § 285.

25. Plaintiffs have been damaged and will be irreparably injured by Defendants' past and continuing infringement, for which Plaintiffs have no adequate remedy at law. Defendants' continued infringement will continue unless enjoined by this Court.

PRAYER FOR RELIEF

WHEREFORE Plaintiffs demand judgment as follows:

(a) Finding that Defendants have infringed the '446 Patent;

(b) Finding that Defendants' infringement of the '446 Patent has been willful and deliberate;

(c) Preliminarily and permanently enjoining and restraining Defendants and their officers, agents, servants, employees and attorneys, all parent, subsidiary and affiliate corporations and other related business entities, and all other persons or entities acting in concert, participation or in privity with Defendants, and their successors and assigns, from infringing, contributing to the infringement of, or inducing others to infringe the '446 Patent;

(d) Awarding Plaintiffs damages, in an amount to be determined at trial, together with interest and costs as fixed by the Court;

(e) Awarding Plaintiffs enhanced damages under 35 U.S.C. § 284;

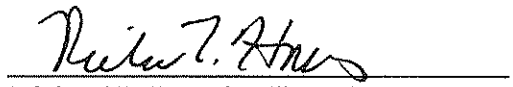
(f) Awarding Plaintiffs their reasonable attorneys' fees and their costs and disbursements in this action, as provided by 35 U.S.C. § 285; and

(g) Granting Plaintiffs such other and further relief as the Court deems just and proper.

JURY DEMAND

Plaintiffs demand a trial by jury on all issues so triable in this Complaint.

POTTER ANDERSON & CORROON LLP

By: 

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