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## **OrbusNeich seizes Boston Scientific stents in Germany as part of patent infringement proceedings**

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By OrbusNeich Medical Inc.

WIESBADEN, Germany, May 21, 2013 — /PRNewswire/ -- Medical device manufacturer OrbusNeich Medical Inc. and its subsidiary, OrbusNeich Medical GmbH (collectively "OrbusNeich") today announced that it has enforced the seizure of over 190 stent systems from Boston Scientific Corporation (NYSE: BSX) in connection with its patent infringement proceedings in the Dusseldorf Regional Court. The products were found on May 15, 2013, at the premises of Boston Scientific Medizintechnik GmbH in Ratingen (Germany), the German subsidiary of Boston Scientific Corporation (collectively "Boston Scientific").

In violation of the Court's April 30, 2013 Preliminary Injunction, Boston Scientific initially denied access to search its premises – the court's decision grants OrbusNeich the right to seize stents in the possession of Boston Scientific that have been commercially distributed but not yet used. Boston Scientific claimed that none of the concerned stent systems were in its possession at the location in Ratingen. Only after the Police were called did Boston Scientific allow the bailiff to search the building and seize the products.

The April 30, 2013, ruling, which Boston Scientific has appealed, allows OrbusNeich to prevent Boston Scientific from marketing and selling the affected stent lines in Germany, which include the Small Vessel, Small Workhorse and Workhorse Stents of Boston Scientific's PROMUS Element™, PROMUS Element Plus™, OMEGA™, TAXUS Element™, SYNERGY™ and Promus PREMIER™ product lines. In this decision, the Regional Court found that the geometric pattern of these stents infringe OrbusNeich's patent EP 1 341 482.

On May 13, 2013, OrbusNeich obtained a second Preliminary Injunction against Boston Scientific following Boston Scientific's attempt to circumvent the first Injunction by transferring the German distribution of the affected products to Boston Scientific (UK) Ltd. and Boston Scientific Ltd. Boston Scientific may appeal this decision.

In addition to the Preliminary Injunctions, OrbusNeich's principal patent infringement proceedings are also before the Dusseldorf Regional Court. In these proceedings, OrbusNeich is seeking damages, a permanent injunction and other relief for alleged infringement of the German parts of the EP 1 341 412 and '482 patents by the affected stent lines. A hearing in this main proceeding is scheduled for May 2014.

Similar infringement proceedings have also been filed in The Netherlands and Ireland.

The proceedings follow a favorable ruling for OrbusNeich by the European Patent Office (EPO) on February 11, 2013, in connection with the '482 patent. The EPO decision, which has been appealed, upheld the claim of the '482 patent, as amended, against an opposition by Boston Scientific and Terumo, claiming the patent was invalid.

**About OrbusNeich**

OrbusNeich is a global company that designs, develops, manufactures and markets innovative medical devices for the treatment of vascular diseases. Current products are the world's first pro-healing stent, the Genous™ Stent, as well as other stents and balloons marketed under the names of Azule™, R stent™, Scoreflex™, Sapphire™, Sapphire II™ and Sapphire NC™. Development stage products include the COMBO Dual Therapy Stent™, the world's first dual therapy stent. OrbusNeich is headquartered in Hong Kong and has operations in Shenzhen, China; Fort Lauderdale, Fla.; Hoevelaken, The Netherlands; and Tokyo, Japan. OrbusNeich supplies medical devices to interventional cardiologists in more than 60 countries. For more information, visit [www.OrbusNeich.com](http://www.OrbusNeich.com).

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