

Hale and Dorr Represents Atrium in Unanimous Verdict

DECEMBER 23, 2002

On November 26, 2002, a federal court jury in Wilmington, Delaware, unanimously vindicated our client, Atrium Medical Corporation, of Hudson, NH, in the patent infringement suit brought against it by Genzyme Corporation and Genzyme Biosurgery (formerly Genzyme Surgical Products Corporation). After a nearly two-week trial, the unanimous jury verdict, rendered within hours, found that Atrium did not infringe any of the five patents Genzyme had asserted against it. The jury also found certain claims of the Genzyme patents are invalid.

Genzyme brought suit against Atrium in November 2000, without any prior notice, seeking to bar Atrium's manufacture and sale of its Oasis® and Express(tm) chest drains, introduced in 1996 and 2000, respectively. Atrium told the jury that it believed the suit was in response to its success in the marketplace while Genzyme continued to experience declining sales and market share, and was an effort by Genzyme to eliminate Atrium as a major competitor. Atrium spent two years defending itself against the infringement claims by Genzyme that the jury determined to be completely unfounded.

At trial, Genzyme acknowledged that it had lost substantial market share due to strong competition from Atrium. In its opening statement, Genzyme accused Atrium of being the "dark side" of American business. Hale and Dorr lawyers countered that Atrium, in fact, represents the "bright side" of competition in America, as a company that has continually invested millions of dollars in research, design and innovation, which contributed to the company's commercial success in chest drainage.

"Atrium now looks forward to continuing its mission of providing unparalleled customer service and improved patient care with its products used for emergency chest trauma, critical care, and open heart surgery," said Steve Herweck, Atrium's President and Chief Executive Officer. "We would also like to thank our loyal customers, national account partners, and our terrific team of employees for remaining steadfast in their support of Atrium during this two year period. Today, we are back to business building the very best products that science, manufacturing know-how, and our hard working employees have to offer in this specialized field of healthcare."

Hale and Dorr attorneys representing Atrium included: [William Lee](#), Wayne Stoner, [Dominic Massa](#), [David Cavanaugh](#), Perry Wu and Greg Teran.