

# Preliminary Injunction

Otto Bock Healthcare LP. V. Össur Americas, Inc.

THE PRELIMINARY INJUNCTION WAS DENIED.

Hampton IP was retained by Knobbe Martens to review and comment on Otto Bock's claim of irreparable harm arising from Össur's alleged infringement of U.S. Patent No. 6,726,726 B2 titled, *Vacuum Apparatus and Method For Managing Residual Limb Volume in an Artificial Limb*. Knobbe Martens asked Hampton IP to respond in a declaration to Otto Bock's Memorandum of Points and Authorities in Support of Plaintiff's Motion for Preliminary Injunction.

Morrison & Forester, LLP represented Otto Bock Healthcare, LP.

The patent-in-suit related to artificial limbs that include a single socket to receive a residual limb.

**Hampton IP offered opinions in rebuttal to Otto Bock's claims of irreparable harm arising from loss of market share, price erosion, copycatting, free-riding, loss of customer relationships, and loss of reputation. Scott Hampton submitted a declaration in opposition to the preliminary injunction.**

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University Of Utah Research Foundation, Myriad Genetics, Inc.,  
Et Al. V. Ambry Genetics, Inc.

McDermott Will & Emery LLP retained Scott Hampton on behalf of Ambry Genetics, Inc. and Gene by Gene, Inc. to opine on irreparable harm and balance of hardship related to Myriad's motion in support of a preliminary injunction related to the patent infringement matter *University of Utah Research Foundation, Trustees of the University of Pennsylvania, HSC Research and Development Limited Partnership, Endorecherche, Inc., and Myriad Genetics, Inc. v. Ambry Genetics Corporation*, Case Nos. 2:13-cv-00640 and 2:13-cv-00643, in the United States District Court for the District of Utah Central Division.

The University of Utah Research Foundation, et al. filed a Motion for Preliminary Injunctive Relief and Memorandum in Support against Ambry Genetics Corporation relating to litigation alleging infringement of ten patents: U.S. Patent Nos. 5,709,999; 5,747,282; 5,753,441; 5,837,492; 6,033,857; 5,654,155; 5,750,400; 6,051,379; 6,951,721; and 7,250,497. This action followed Ambry's announcement that it would

begin offering genetic testing for the BRCA1/BRCA2 mutations at a significantly reduced cost (relative to Myriad) after the Supreme Court of the United States ruled that the process of isolating naturally occurring DNA is insufficient to transform the natural phenomenon into a patentable invention.

Myriad asserted claims left ambiguous by the Supreme Court. Myriad filed a motion for preliminary injunction arguing that Ambry's and Gene by Gene's low prices create irreparable harm consisting of (1) price erosion and the loss of the benefit of Myriad's established pricing strategy; (2) the loss of market share; (3) reputational injury; and (4) loss of the benefit of the remaining limited term of patent exclusivity and Myriad's business plans for that period, as well as the inability to fully obtain its reliance interest obtained by disclosing its discovery and investing hundreds of millions of dollars to commercialize that discovery in exchange for a limited exclusive right.

Myriad was represented by Parsons Behle and Latimer.

**Mr. Hampton submitted a declaration in support of Defendants' Opposition and a supplemental declaration in response to declarations of Thomas N. Parks, David W. Pershing, and Dr. James R. Kearl.**

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## Won-Door Corporation V. Cornell Iron Works

Hampton IP was retained to submit a Declaration in opposition to the Won-Door's Motion for Preliminary Injunction and to determine whether Plaintiff's motion and supporting declarations demonstrate the elements necessary to establish irreparable harm if the Court denied Won-Door's request for a preliminary injunction. Won-Door's motion for preliminary injunction claimed irreparable harm if Cornell was not enjoined from selling its allegedly infringing door products.

Trask Britt Law Firm represents Won Door

The patent-in-suit related to header assemblies and overhead tracks.

**Scott Hampton submitted a declaration that contained his opinions on irreparable harm arising from loss of market share, loss of customer relationships, loss of reputation, price erosion, and loss of market position.**

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## Catheter Connections, Inc. V. Ivera Medical Corporation

PRELIMINARY INJUNCTION GRANTED; BOND WAS ORDERED

TraskBritt, P.C. (Salt Lake City, UT) retained Hampton IP & Economic Consultants, on behalf of Catheter Connections, Inc., with regard to Case No. 2:14-cv-00070 in the United States District Court for the District of Utah, Central Division, to opine on irreparable harm related to Catheter Connections, Inc.'s motion in support of a preliminary injunction.

The infringing product was a disinfecting cap for a medical male luer connector.

**We submitted declarations in support of a preliminary injunction and provided deposition testimony. We also submitted a declaration in support of brief on the issue of whether a bond should be required, along with an appropriate amount.**