

J&J Unit Cleared In Blood Pump Patent Suit In Mass.

By **Adam Lidgett**

Law360 (May 28, 2026, 7:35 PM EDT) -- A Massachusetts federal jury on Thursday cleared a Johnson & Johnson MedTech subsidiary of allegations that it infringed a blood pump patent owned by a unit of Swedish medical device company Getinge AB.

According to a transcript of the final day of the trial, jurors sided with J&J's Abiomed Inc. unit in a suit alleging it infringed U.S. Patent No. 10,238,783, which is owned by Maquet Cardiovascular. The jury found there was no infringement under the reverse doctrine of equivalents, even though the accused products did meet the terms of the first claim of the patent.

The reverse doctrine of equivalents was recognized by the U.S. Supreme Court in 1898, and the high court has since summarized: "[W]here a device is so far changed in principle from a patented article that it performs the same or a similar function in a substantially different way, but nevertheless falls within the literal words of the claim, the doctrine of equivalents may be used to restrict the claim and defeat the patentee's action for infringement."

Jurors in this case also found the first claim of the patent itself was invalid because it lacked an adequate written description and wasn't enabled.

Maquet sued Abiomed in 2017 over two patents on blood pumps, which help circulate blood in the body when the heart is unable to do so.

The case made its way back to the district court after the Federal Circuit last year vacated U.S. District Judge F. Dennis Saylor IV's earlier order interpreting the claims of the patent. The Federal Circuit said that ruling improperly relied on statements Maquet made during the application process for different patents.

After the judge construed the claims of two patents, the parties stipulated that Abiomed could not infringe under his reading. Maquet then appealed the judge's ruling, but only with respect to the '783 patent.

Since Maquet did not appeal the stipulated judgment of noninfringement on the other patent it alleged to be infringed by Abiomed, U.S. Patent No. 9,789,238, the Federal Circuit left that holding undisturbed.

Abiomed had asserted various defenses, including that it is not infringing and that the '783 patent is invalid.

Judge Saylor denied Abiomed's summary judgment motion of noninfringement under the doctrine of equivalents in April and shut down one invalidity defense on May 1.

Then on May 4, Judge Saylor allowed Abiomed to advance the reverse doctrine of equivalents defense against Maquet's infringement claims, but added that there's a "substantially heightened possibility" that if he applies the doctrine, any favorable judgment for Abiomed could be reversed.

"We are pleased by the jury's verdict and thank them for their careful consideration in this case. The jury's verdict vindicates what we have maintained all along: Abiomed invented a life-saving heart pump, and Maquet's patent cannot stretch so far as to capture Abiomed's innovation," an Abiomed spokesperson said in a statement. "We will continue focusing on what matters most — developing the next generation of treatments for the patients who depend on them."

Counsel for Maquet did not immediately respond to requests for comment on Thursday.

The patent-in-suit is U.S. Patent No. 10,238,783.

Maquet is represented by Paul Tanck, Christopher McArdle, Neal McLaughlin, Wade Perrin, Andrew Ligotti, Ravi Shah, Charlie M. Jonas, M. Scott Stevens, Kirk T. Bradley, Nicholas C. Marais and Lauren N. Griffin of Alston & Bird LLP.

Abiomed is represented by John M. Desmarais, Kerri-Ann Limbeek, Brian D. Matty, Frederick J. Ding, Amy Wann, Davis Gonsalves-DeDobbelaere, Caitrienne Feddeler, Kyle Curry and Adam Steinmetz of Desmarais LLP.

The case is Maquet Cardiovascular LLC v. Abiomed Inc. et al., case number 1:17-cv-12311, in the U.S. District Court for the District of Massachusetts.

--Additional reporting by Elliot Weld. Editing by Dave Trumbore.