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[CONTINUED ON NEXT PAGE]

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND DIVISION

22 ANGIOSCORE, INC., )  
 23 Plaintiff, )  
 24 v. )  
 25 TRIREME MEDICAL, LLC (f/k/a TRIREME )  
 26 MEDICAL, INC.), EITAN KONSTANTINO, )  
 27 QUATTRO VASCULAR PTE LTD., and QT )  
 28 VASCULAR LTD. (f/k/a QT VASCULAR PTE. )  
 LTD.), )  
 Defendants. )

CASE NO.: 4:12-CV-3393-YGR  
~~[PROPOSED]~~ AMENDED  
 JUDGMENT

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KONSTANTINO

1 Trial without a jury on the Third Cause of Action for Breach of Fiduciary Duty Under  
2 Delaware Law, the Fourth Cause of Action for Aiding and Abetting a Breach of Fiduciary Duty,  
3 and the Fifth Cause of Action for Unfair Competition Under California Business and Professions  
4 Code § 17200 alleged in the Fourth Amended Complaint (Dkt. No. 244) commenced in this matter  
5 on April 13, 2015 and concluded on April 21, 2015. The Court entered its Findings of Fact and  
6 Conclusions of Law on July 1, 2015 (Dkt. No. 665). On March 3, 2015, the Court granted  
7 Plaintiff AngioScore, Inc.’s unopposed oral motion to voluntarily dismiss the Second Cause of  
8 Action of the Fourth Amended Complaint (Dkt. No. 244).

9 A jury trial on the First Cause of Action alleging Patent Infringement in the Fourth  
10 Amended Complaint commenced in this matter on September 9, 2015, with jury selection, and on  
11 September 14, 2015, with opening statements and evidence. The jury rendered its verdict on  
12 September 29, 2015, and the verdict form was duly recorded (Dkt. No. 790).

13 On November 8, 2016, the United States Court of Appeals for the Federal Circuit issued an  
14 Opinion (Dkt. No. 848) and Judgment (Dkt. No. 849), vacating-in-part this Court’s October 14,  
15 2015 Judgment and remanding with instructions to dismiss the state law claims in this case for  
16 lack of jurisdiction. The Mandate of the United States Court of Appeals for the Federal Circuit  
17 issued on November 17, 2016.

18 **IT IS ORDERED, ADJUDGED, AND DECREED** as follows:

- 19 1. Judgment is ENTERED in favor of Defendants Eitan Konstantino, TriReme Medical,  
20 LLC, Quattro Vascular Pte Ltd., and QT Vascular Ltd. on the First Cause of Action in the  
21 Fourth Amended Complaint. Claims 1, 2, 3, 8 and 9 of United States Patent No.  
22 7,691,119 (“the ’119 patent”) are not infringed by the accused Chocolate PTA Balloon  
23 Catheter products and are invalid. Accordingly, Plaintiff AngioScore, Inc. is to recover  
24 nothing with respect to the First Cause of Action in the Fourth Amended Complaint
- 25 2. AngioScore’s First Cause of Action is DISMISSED WITH PREJUDICE with respect to  
26 claims 4, 5, 6 and 7 of the ’119 patent.
- 27 3. AngioScore’s Second Cause of Action is DISMISSED WITHOUT PREJUDICE.


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4. AngioScore’s Third, Fourth, and Fifth Causes of Action are DISMISSED WITHOUT PREJUDICE.

5. ~~[AngioScore proposes: No costs are awarded in view of the parties’ agreement not to seek costs in this matter.]~~

~~[Defendants propose: The Court need not address an award of costs in the judgment since Defendants have not yet submitted their bill of costs. Nevertheless, if the Court does address the issue: Defendants are entitled to costs under 28 U.S.C. §§ 1919 & 1920.]~~

Date: February 3, 2017

  
Hon. Yvonne Gonzalez Rogers  
United States District Judge