Boston Scientific

Appeals Court Affirms That J&J Stents Infringe Boston Scientific Patent; Claims Against TAXUS Liberte Dismissed

NATICK, Mass., March 31 /PRNewswire-FirstCall/ -- Boston Scientific Corporation announced today that the Court of Appeals for the Federal Circuit issued a decision in the Company's stent litigation with Johnson and Johnson (J&J).

The Court of Appeals upheld the District Court's decision that JNJ's Bx Velocity and Cypher Stent Systems infringe Boston Scientific's patent and that the patent is valid. The Appeals Court reversed the District Court with respect to the TAXUS Liberte Stent and instructed the District Court to dismiss with prejudice the infringement claims against the TAXUS Liberte Stent.

The Court of Appeals affirmed the District Court's ruling that Boston Scientific's Express, TAXUS Express and Liberte Stents infringe one J&J patent and that the patent is valid. The Court also affirmed that Boston Scientific's Liberte Stent infringes a second J&J patent and that the patent is valid.

Damages will be determined in a future court proceeding.

"We are gratified the appeals court upheld the finding that the BX Velocity and Cypher stents infringe our patent and the patent is valid, and we are pleased the infringement claims against the TAXUS Liberte stent were dismissed with prejudice," said Jim Tobin, President and Chief Executive Officer of Boston Scientific. "We consider the outcome of this appeal to be highly positive."

Boston Scientific is a worldwide developer, manufacturer and marketer of medical devices whose products are used in a broad range of interventional medical specialties. For more information, please visit: www.bostonscientific.com.

Cautionary Statement Regarding Forward-Looking Statements

This press release contains forward-looking statements within the meaning of Section 21E of the Securities Exchange Act of 1934. Forward-looking statements may be identified by words like "anticipate," "expect," "project," "believe," "plan," "estimate," "intend" and similar words. These forward-looking statements are based on our beliefs, assumptions and estimates using information available to us at the time and are not intended to be guarantees of future events or performance. These forward-looking statements include, among other things, statements regarding our intellectual property and litigation outcomes. If our underlying assumptions turn out to be incorrect, or if certain risks or uncertainties materialize, actual results could vary materially from the expectations and projections expressed or implied by our forward-looking statements. These factors, in some cases, have affected and in the future (together with other factors) could affect our ability to implement our business strategy and may cause actual results to differ materially from those contemplated by the statements expressed in this press release. As a result, readers are cautioned not to place undue reliance on any of our forward-looking statements.

Factors that may cause such differences include, among other things: future economic, competitive, reimbursement and regulatory conditions; new product introductions; demographic trends; intellectual property; litigation; financial market conditions; and, future business decisions made by us and our competitors. All of these factors are difficult or impossible to predict accurately and many of them are beyond our control. For a further list and description of these and other important risks and uncertainties that may affect our future operations, see Part I, Item IA- *Risk Factors* in our most recent Annual Report on Form 10-K filed with the Securities and Exchange Commission, which we may update in Part II, Item 1A - *Risk Factors* in Quarterly Reports on Form 10-Q we have filed or will file thereafter. We disclaim any intention or obligation to publicly update or revise any forward-looking statements to reflect any change in our expectations or in events, conditions, or circumstances on which those expectations may be based, or that may affect the likelihood that actual results will differ from those contained in the forward-looking statements. This cautionary statement is applicable to all forward-looking statements contained in this document.

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