

Winston Shows Strong Backbone in Defeat of Preliminary Injunction for Medical Device Company

JULY 10, 2018

On July 10, 2018, a cross-office team of Winston litigators from Los Angeles and Chicago successfully kept client Alphatec's important new spinal surgery device on the market by defeating a preliminary injunction sought by one of Alphatec's competitors. Alphatec is a San Diego-based medical device company that was sued for patent infringement in the Southern District of California in early 2018 by NuVasive, a local competitor, after NuVasive's former Vice Chairman left to become the Chairman and CEO of Alphatec. In its complaint, NuVasive asserted eight patents relating to spinal surgical implants and access tools. Further, claiming a loss of key executives and surgeon relationships to Alphatec, NuVasive sought to preliminarily enjoin Alphatec from selling certain spinal surgical offerings. Following a contentious hearing, the court denied NuVasive a preliminary injunction, finding it had not shown it was likely to succeed on Alphatec's invalidity challenges and did not establish irreparable harm.

The Winston team is led by Nimalka Wickramasekera, and includes Jason Hamilton, Saranya Raghavan.

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