

Haynes and Boone Wins ITC Ruling Against Patent Infringer for Client PTS Diagnostics

June 6, 2019 Robert Ziemian, Charles Jones, Richard Rochford, Tiffany Cooke

PRACTICES Intellectual Property, Patents, Patent Prosecution and Counseling, Intellectual Property Litigation, Medical Device and Technology

After a hearing on the merits handled by Haynes Boone, an administrative law judge of the U.S. International Trade Commission (ITC) has determined that ACON Laboratories, Inc. and ACON Biotech (Hangzhou) Co. infringed two of PTS Diagnostics' key patents. The PTS Diagnostics patents asserted in the Investigation cover PTS Diagnostics' CardioChek family of lipid analyzers and PTS Panels test strips, which are made in the U.S. and have been used to screen more than 140 million patients worldwide.

Administrative Law Judge Clark S. Cheney issued a Notice of Initial Determination on June 4, 2019, in Investigation No. 337-TA-1116, finding ACON Laboratories, Inc. and ACON Biotech (Hangzhou) Co.'s (ACON) 3-1 Lipid Panels have violated Section 337 of the Tariff Act by importing devices that infringe PTS Diagnostics' U.S. Patent Nos. 7,087,397 and 7,625,721. Further, Judge Cheney found that all of the infringed patent claims PTS Diagnostics asserted in the Investigation are valid, rejecting all arguments to the contrary.

The ITC is a U.S. federal agency charged by Congress to investigate unfair trade practices that impact U.S. domestic industries. The ruling is an important step toward PTS Diagnostics obtaining an order excluding ACON's 3-1 Lipid Panels from importation into the United States.

Haynes Boone Partners Ken Parker and [Robert Ziemian](#) led the trial team that obtained the victory for PTS Diagnostics. The team also included Haynes Boone lawyers [Charlie Jones](#), Mike Karson, [Rich Rochford](#), [Tiffany Cooke](#), Aaron Taggart, Eva Zhao, and Winnie Wong, as well as Jim Altman and Kandis Gibson of Foster, Murphy, Altman & Nickel, PC.

"I have represented PTS Diagnostics for over ten years and seen their dedication to their products and people firsthand. I am ecstatic for PTS," said Robert Ziemian. Ken Parker, lead trial attorney on the case, added: "I could not be prouder of our team. It's an honor to represent a client like PTS, and I am very pleased we have obtained this result for them. I could not ask for a better team or client."

Haynes Boone is an international corporate law firm with offices in Texas, New York, California, Charlotte, Chicago, Denver, Washington, D.C., London, Mexico City and Shanghai, providing a full spectrum of legal services in energy, technology, financial services and private equity. With more than 550 lawyers, Haynes Boone is ranked among the largest U.S.-based firms by *The National Law Journal*, *The American Lawyer* and *The Lawyer*.

Multiple news outlets reported the win, including the following:

[Bloomberg Big Law Business](#)

[IPPro Magazine](#)

[Law360](#) (Subscription required)