



Intuitive Surgical Wins "Prosecution Laches" Phase of Delaware Patent Litigation Against Computer Motion

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Federal Court Order Concludes Computer Motion's
"Prosecution Laches" Defense Inapplicable,

Leaves Intact \$4.4 Million Jury Verdict In Intuitive's Favor

Intuitive Surgical, Inc. (NASDAQ:ISRG), the industry leader in operative surgical robotics, announced today that the Delaware District Court overseeing Intuitive's and IBM's joint patent litigation against Computer Motion (NASDAQ:RBOT) issued an order wherein the Court concluded the defense of "prosecution laches" does not apply to the circumstances of IBM's voice-controlled surgical robot patent and does not render that patent unenforceable.

With the Court's ruling that prosecution laches does not apply, the earlier jury verdict finding Computer Motion liable for patent infringement and awarding Intuitive \$4.4 million for the damage caused by Computer Motion's infringing AESOP and ZEUS products remains intact.

"We obviously are pleased that after all of the exhaustive briefing, evidence and argument on Computer Motion's final defense of 'prosecution laches,' the Court has ordered that judgment be entered in Intuitive's and IBM's favor on that issue," stated David Shaw, Intuitive's Vice President of Legal Affairs and Corporate Counsel.

"We now enter the final phase of the Delaware litigation. While Computer Motion now has the right to ask the Court to discard the jury's verdict on whatever other grounds it believes it may have, we believe all of the discovery, evidence and argument presented to the jury in this case support its verdict. In turn, we will request that the Court enter a permanent injunction preventing further infringing sales by Computer Motion and that final judgment be entered in our favor," Mr. Shaw added.

About Intuitive Surgical's da Vinci Surgical System

First cleared by the FDA in 1997 for assisting surgery and in July 2000 for performing surgery, the da Vinci Surgical System is still the only operative robotic surgery system cleared by the FDA to perform surgery in multiple specialties. With its recent FDA clearance for intracardiac mitral valve repair surgery, the System is also still the only operative robotic system FDA-cleared for performing any type of cardiac surgery. The System consists of a surgeon's console, a patient-side cart, a high performance 3-D vision system and Intuitive Surgical's proprietary EndoWrist(TM) articulating instruments. By integrating computer-enhanced robotic technology with the technical skills of the surgeon, we believe that our system enables surgeons to perform better surgery in a manner never before experienced. The da Vinci Surgical System seamlessly translates the surgeon's natural hand and wrist movements on instrument controls at the console into corresponding micro-movements of instruments positioned inside the patient through small puncture incisions, or ports.

The da Vinci Surgical System is the only commercially available technology that can provide the surgeon with the intuitive control, range of motion, fine tissue manipulation capability and 3-D visualization characteristic of open surgery, while simultaneously allowing the surgeon to work through the small ports of minimally invasive surgery.

The statements contained in this release may be deemed to contain "forward-looking statements." Such statements are indicated by words or phrases such as "anticipates," "estimates," "projects," "believes," "intends," "expects" and similar words and phrases. Actual results may differ materially from those expressed or implied in any forward-looking statement as a result of certain risks and uncertainties, including, without limitation, competition and market acceptance of the Company's products, ability to obtain regulatory approvals and third-cautioned not to place undue reliance on such forward-looking statements.

da Vinci(TM), EndoWrist(TM), Intuitive(R) and Intuitive Surgical(R) are trademarks of Intuitive Surgical, Inc.

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