



## **Intuitive Surgical Announces Two Summary Judgment Rulings in California Patent Litigation**

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SUNNYVALE, Calif., Feb 11, 2003 (BUSINESS WIRE) -- Intuitive Surgical, Inc. (Nasdaq:ISRG), the industry leader in operative surgical robotics, announced today that the Central California Court recently issued two rulings in the patent litigation between Intuitive and Computer Motion pending in Los Angeles.

First, the Court recently issued an opinion granting "partial summary judgment" of literal infringement of one claim of Computer Motion's 6,244,809 patent against Intuitive. "We have believed all along that this 809 patent would have to be either so narrowly interpreted that it's not infringed or so broadly interpreted that it's invalid. Given what appears to be a broad claim interpretation, we'll move forward on our invalidity defenses based on all of the work in surgical robotics that predates Computer Motion's patent by at least several years," stated David Shaw, Intuitive's Vice President, Legal Affairs & Corporate Counsel. "This is simply one small step in a very long process. In addition, in the coming weeks, we will seek clarification from the Court on several findings in the opinion that we believe were unwarranted in the context of summary judgment," Mr. Shaw added.

Second, the Court previously granted summary judgment of noninfringement in Intuitive's favor against Computer Motion's 6,102,850 patent, concluding the 850 patent as properly construed does not cover how the da Vinci(TM) System uses two "master" handles to control movement of its three robotic arms. The 850 patent thus is no longer part of the suit.

Intuitive has two further motions for summary judgment of noninfringement pending, addressing two others of Computer Motion's patents. The Court has indicated it would like to hold a Status Conference to discuss what remains of the case after those two remaining motions are resolved, how to accommodate additional motions for summary judgment on Computer Motion's other asserted patents, and the case schedule.

Meanwhile, Intuitive awaits a decision by the Delaware Court on its request for a permanent injunction against all future sales by Computer Motion of its infringing voice-controlled AESOP and ZEUS products. As previously announced, a Delaware jury last August found that Computer Motion should pay \$4.4 million to Intuitive for its infringement of Intuitive's and IBM's voice controlled surgical robotics patent. The case is now in the post-trial motions phase.

Intuitive previously announced its U.S. Patent Office interference proceeding victories in which Computer Motion lost its rights to all of the claims of its former 5,855,583 and 5,878,193 patents. Because of the Patent Office's rulings, Computer Motion has agreed to dismiss the 583 and 193 patents from its infringement suit, unless and until Computer Motion can overturn the decisions and establish that its patents are not invalid. Intuitive expects that dismissal will occur shortly.

### 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, including laparoscopy and thoracoscopy. The da Vinci System also recently received FDA clearance for "intracardiac" surgery through a cardiotomy, making the System the only operative robotic surgery system ever to receive FDA clearance for performing any type of cardiac procedure. 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 party reimbursement, ability to raise additional capital and other risks and uncertainties detailed in the company's SEC filings. Prospective investors are 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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