



## **Intuitive Surgical Wins Second Patent Office Interference Against Computer Motion; Patent Office Enters Final Judgment in All Three Interferences**

May 30, 2002

SUNNYVALE, Calif., May 30, 2002 (BUSINESS WIRE) -- Intuitive Surgical, Inc. (Nasdaq:ISRG), the leader in operative surgical robotics, announced today that the United States Patent Office (PTO) has entered final judgment in Intuitive's favor in the interference proceeding involving Computer Motion's 5,855,583 patent. As a result of that judgment, subject to Computer Motion's right to appeal, Computer Motion has lost its rights to all 15 claims of the 583 patent, and Intuitive is entitled to claim for itself the invention concerning proportional movement of articulating robotic surgical instruments.

On April 2, 2002, Intuitive previously announced the favorable judgment it received in the interference proceeding involving Computer Motion's former 5,878,193 patent on image-based control of robotic surgical instruments. In that interference, subject to Computer Motion's right to appeal, Computer Motion lost all of its rights to the claimed inventions of the 193 patent.

"This interference judgment removing a second entire Computer Motion patent is another significant event for Intuitive," stated Lonnie Smith, President & CEO of Intuitive Surgical. "It further emphasizes the importance of SRI International's pioneering work in surgical robotics, to which Intuitive holds an exclusive license."

Before entering final judgment against Computer Motion in this second interference, the Patent Office in its March 30th decisions granted Computer Motion one last opportunity to address Intuitive's challenges to its 583 patent. According to the Patent Office, Computer Motion fell short of meeting its burdens.

In the third interference involving Computer Motion's 5,907,664 patent, the Patent Office denied Intuitive's request for reconsideration and so entered final judgment against Intuitive, concluding that Computer Motion is entitled to keep its 664 patent. The Patent Office decided not to rule on whether the 664 patent is actually valid, however, leaving that issue unresolved. "While we obviously would have liked to win all three interferences, we now have in hand what we believe we need to address Computer Motion's remaining patents in the California Court," explained David Shaw, Intuitive's Vice President, Legal Affairs and Corporate Counsel. "In addition, since we believe that the surviving 664 patent does not pertain to our da Vinci(TM) Surgical System technology, we already have on file in the California Court a motion for summary judgment of noninfringement of that patent," Mr. Shaw added.

### About Intuitive Surgical's da Vinci(TM) 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. 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.

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

CONTACT: Intuitive Surgical, Inc. Ben Gong, 408/523-2175 Sarah Norton, 408/523-2161