

## Judge Rules in Favor of 3M in Trademark and Patent Infringement Lawsuit Against Internet Distributor of Stethoscopes

A United States District Court judge in Minnesota has found that Pradeep Mohan, a Santa Cruz, California businessman who sells stethoscopes over the Internet, engaged in “purposeful and egregious” infringement of 3M’s trademarks, including 3M’s well-known LITTMANN®, MASTER CARDIOLOGY®, and CARDIOLOGY III® marks. After a four day trial, the court concluded that “it is in the public interest to prevent confusion between 3M’s stethoscopes and [Mohan’s] stethoscopes.”

Citing Mohan’s “deliberate and continuous” infringement and the fact that the case involved medical products, Judge Ann Montgomery held that a broad permanent injunction was required to prevent confusion and protect the public. The order prohibits Mohan from using any of the trademarks or designations 3M uses with its LITTMANN® stethoscopes, or any confusingly similar designations. The court also enjoined Mohan from selling ear tips that infringe a 3M patent which was the subject of an earlier order. Finally, the court ordered Mohan to pay 3M’s costs and attorneys’ fees.

“The LITTMANN brand is synonymous with outstanding quality and acoustic performance,” said Ingrid Blair, vice president, Patient Assessment, 3M. “While 3M takes infringement of any of its intellectual property very seriously, it is especially important that purchasers of health care products such as stethoscopes receive authentic products. We hope this ruling will not only put an end to Mr. Mohan’s deceptive activities, but will send a message to other infringers and counterfeiters that 3M will do whatever is necessary to assure that medical professionals can count on the authenticity, quality, and reliability of products bearing 3M trademarks.”

In the ruling, Judge Montgomery found that Mohan purposefully “used ... counterfeit marks in conjunction with other marks that are confusingly similar to well-known LITTMANN marks” to attract purchasers to his websites and eBay and Amazon offers, and to deceive those purchasers into buying stethoscopes they mistakenly believed were from 3M, or were in some way endorsed or approved by 3M. Despite 3M’s repeated requests that he stop, Mohan not only continued but “intensified the infringing nature of his marks,” the order said. The court’s ruling also cited evidence of actual confusion among Mohan’s customers, as well as complaints by Mohan’s customers about the quality of his products.

The court also commented on the effect of these activities in the Internet environment, noting that “the quick and effortless nature of the Internet makes it particularly unlikely that online customers will avoid confusion through the exercise of due care.” “Within online stethoscope advertisements, the display of marks identical to 3M’s ... marks could lead even a careful medical professional familiar with stethoscopes to believe [Mohan’s] stethoscopes are affiliated with the LITTMANN brand,” the court found.

The court further found that “[Mohan’s] stethoscopes are of significantly lower quality than LITTMANN stethoscopes,” notwithstanding his claims that they “match[ed] the quality of the premium brand.” Noting that “LITTMANN stethoscopes are well known among medical professionals for superior acoustical quality,” the court concluded that “medical professionals who mistakenly believe [Mohan’s] stethoscopes have acoustical performance quality equal to LITTMANN stethoscopes may misdiagnose or fail to diagnose their patients.”

3M is a trusted leader in auscultation technology. Its Littmann brand stethoscopes are renowned worldwide for unsurpassed quality, precision, acoustical superiority, innovative design and exceptional performance. [www.3M.com/littmann](http://www.3M.com/littmann)

## About 3M

A recognized leader in research and development, 3M produces thousands of innovative products for dozens of diverse markets. 3M's core strength is applying its more than 40 distinct technology platforms – often in combination – to a wide array of customer needs. With \$23 billion in sales, 3M employs 75,000 people worldwide and has operations in more than 65 countries. For more information, visit [www.3M.com](http://www.3M.com), or follow @3MNews on Twitter.

LITTMANN, MASTER CARDIOLOGY, and CARDIOLOGY III are trademarks of 3M.

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