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## Patent Litigation Update

**Sydney 6 September 2005:** Ventracor Limited (ASX: VCR) today reported the Magistrate Judge in the US District Court in Florida on Thursday recommended denial of a motion for sanctions filed by HeartWare Inc in January 2005.

HeartWare Inc had claimed in its motion that the patent infringement complaint filed by Ventracor had been filed for an improper purpose and that it had no objective basis in fact or law.

However, Magistrate Judge Seltzer held that *"The record does not support a finding that the Amended Complaint has no reasonable factual basis or that it is based on a legal theory that has no reasonable chance of success. Nor do the facts or the law support a finding that [the Ventracor parties] brought this action for an improper purpose."*

As with all previous rulings, full text of the publicly available document is provided [www.ventracor.com](http://www.ventracor.com) for the information of shareholders.

Ventracor is a global medical device company that has developed an implantable blood pump, the VentrAssist™ left ventricular assist system (LVAS) for patients in cardiac failure. The company hopes to bring the VentrAssist™ to the global market in record time, and expects to obtain a significant share of the huge potential market.

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