

Patent suit nets \$2 million for pair

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Back in the late 1990s, when Atlantis surgeon John Corbitt and physician assistant Lori Leonetti mistakenly believed Johnson & Johnson was working with them to improve breast cancer treatment, they liked the idea that the company dubbed the collaboration Project Smile.

The code name took on added meaning Wednesday when a federal jury in Miami found the health-care giant had stolen their patent and ordered it to pay Corbitt and Leonetti \$2 million.

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And that's just for starters.

Because the jury found that the company had acted "willfully," U.S. District Judge Donald could triple the jury's award, said attorney Jack Scarola, who represented Corbitt and Leonetti.

Further, if the company wants to continue to sell the implant that is used in breast cancer they have to agree to give the pair a share of the estimated \$39 million it brings in annually, the jury said. The jury found the pair deserved 10 percent.

"Project Smile," Corbitt mused Wednesday afternoon in between seeing patients in his office.

Medical Center. "As it turned out it was a smile."

Leonetti, 38, was more effusive.

"I'm feeling very vindicated. It's the greatest feeling in the whole wide world," she said. "It makes me feel great inside just to know I found that what they did was wrong and they're going to have to pay for it."

Ethicon Endo-Surgery Inc., a Johnson & Johnson subsidiary, responded to the verdict with a statement. Company officials said they were disappointed by the verdict but still believe they didn't violate any patent laws and are considering an appeal.

Disappointment, shock and intrigue have punctuated Corbitt's and Leonetti's lives since discussions with Johnson & Johnson about developing the product fell through after two years of talking to them about it.

Specializing in breast surgery, Corbitt and Leonetti wanted to find a way to better track the tissue of women who had biopsies if they had breast cancer.

They hit on an idea of inserting a tiny metal chip in the breast in a substance the body could absorb, such as collagen. The chip would be where the biopsy was taken. Then, a doctor could track the area to guard against future problems.

The implant has other potential uses, Leonetti said. It could be used to fill areas where lumps have been removed so a woman



wouldn't be disfigured. It could also be used for site specific radiation or chemotherapy, she said.

However, they needed a company to manufacture or market the implant.

Shortly after Johnson & Johnson backed out, Corbitt was stunned when a salesman for a California company, Artemis Medic, came into his office, peddling a nearly identical implant.

The company was using the patent of another doctor who had come up with a similar idea. But since his patent was approved after the one obtained by Corbitt and Leonetti, his wasn't valid, Scarola said.

Johnson & Johnson soon bought Artemis and began marketing the implant even though it knew Corbitt and Leonetti held the patent, Scarola said.

"This is truly a win for the little guy," he said of the verdict.

Despite their victory, neither Corbitt nor Leonetti plan any major life changes.

Corbitt, who holds six patents, said finding ways to make breast surgery less invasive has been his life's work.

Leonetti, who has three young children, said the money will pay for their educations. But, she said, she can't imagine giving up her work.

"It's our passion," she said.