Intuitive Surgical Avoids ED Lawsuit

A federal appeals court cleared Intuitive Surgical in a case involving the malfunction of a da Vinci surgical robot during a prostatectomy that may have lead to a Pennsylvania man's erectile dysfunction.

Roland Mracek sued Intuitive after undergoing a prostatectomy at Bryn Mawr hospital. During the surgery, the da Vinci robot began displaying error messages. After his surgical team and an Intuitive rep couldn't make the robot work, surgeons performed a traditional laparoscopic prostatectomy. A week later Mracek suffered an episode of gross hematuria (visible blood in the urine) and later developed severe groin pain and erectile dysfunction.

The U.S Court of Appeals for the Third Circuit's three-judge panel upheld the U.S. District Court for Eastern Pennsylvania's March 2009 decision that Mracek failed to prove that the robot's malfunction caused his injury. Mracek contends that the Court erred because he would offer his own testimony and testimony from two treating physicians, including the surgeon who performed the procedure and his urologist who would testify about his pre- and post-operative condition.

Although he did not submit any expert reports, Mracek argues that it was unnecessary to do so because his treating physicians were not retained in anticipation of litigation, and because the alleged defect is obvious and easily understood by a jury given that the robot displayed error messages and was unable to complete the surgery.

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