

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

TRIMED, INC.,

Plaintiff,

v.

ARTHREX, INC.,

Defendant.

C.A. No. \_\_\_\_\_

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff, TriMed, Inc. (“TriMed”), by its undersigned attorneys, brings this action against Defendant Arthrex, Inc. (“Arthrex”), and hereby alleges as follows:

**THE PARTIES**

1. Plaintiff TriMed is a corporation organized and existing under the laws of the State of California with a principal place of business in Valencia, California.
2. Defendant Arthrex is a corporation organized and existing under the laws of the State of Delaware with its principal place of business in Naples, Florida.

**JURISDICTION AND VENUE**

3. This is an action for patent infringement arising under the patent laws of the United States, United States Code, 35 U.S.C. § 271 *et seq.* This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).
4. This Court has personal jurisdiction over Arthrex because Arthrex is incorporated in Delaware, and because, upon information and belief, Arthrex conducts regular and systematic business in Delaware.

5. Venue is proper under 28 U.S.C. §§ 1391 and 1400(b) because Arthrex is a corporation organized and existing under the laws of the State of Delaware.

**TRIMED'S PATENTS-IN-SUIT**

6. TriMed is the lawful owner of United States Patent No. 8,177,822 entitled “Contoured Bone Plate For Fracture Fixation Having Hook Members and Drill Guide For The Same,” duly legally issued May 15, 2012, listing Robert J. Medoff as the inventor (“the ‘822 Patent”). A true copy of the ‘822 Patent is attached hereto as Exhibit A.

7. TriMed is the lawful owner of United States Patent No. 9,283,010 entitled “Contoured Bone Plate For Fracture Fixation Having Hook Members and Holder/Impactor For Same,” duly legally issued March 15, 2016, listing Robert J. Medoff and Alexander Y. Shin as the inventors (“the ‘010 Patent”). A true copy of the ‘010 Patent is attached hereto as Exhibit B.

**COUNT I**  
**(Infringement of the ‘822 Patent)**

8. Paragraphs 1-7 are incorporated as if fully set forth herein.

9. The ‘822 Patent generally relates to a bone plate for fixing fractures and a drill guide to facilitate drilling holes into the bone to align and secure the plate.

10. Arthrex has been directly infringing, actively inducing others to infringe, and/or contributing to the infringement of the ‘822 Patent by making, using, offering for sale, selling within the United States, and/or importing into the United States infringing products, including its Wrist Plating System which embody and/or practice one or more claims of the ‘822 Patent, without authority or license from TriMed, in violation of 35 U.S.C. § 271.

11. Upon information and belief, Arthrex will continue to infringe the ‘822 Patent unless and until it is enjoined by this Court.

12. Arthrex's infringement of the '822 Patent is ongoing. Unless and until enjoined by order of this Court, Arthrex's infringement of TriMed's rights under the '822 Patent will continue to damage TriMed, causing TriMed irreparable harm as a direct and proximate result of Arthrex's conduct.

13. Andover has been damaged by Arthrex's infringement of the '822 Patent, and is entitled to recover from Arthrex the damages sustained as a result of Arthrex's wrongful acts in an amount to be proved at trial.

14. Upon information and belief, Arthrex's infringement of the '822 Patent has been willful.

**COUNT II**  
**(Infringement of the '010 Patent)**

15. Arthrex has been directly infringing, actively inducing others to infringe, and/or contributing to the infringement of the '010 Patent by making, using, offering for sale, selling within the United States, and/or importing into the United States infringing products, including its Wrist Plating System, 5<sup>th</sup> Metatarsal Fracture System, and Ankle Fracture Management System which embody and/or practice one or more claims of the '010 Patent, without authority or license from TriMed, in violation of 35 U.S.C. § 271.

16. Upon information and belief, Arthrex will continue to infringe the '010 Patent unless and until it is enjoined by this Court.

17. Arthrex's infringement of the '010 Patent is ongoing. Unless and until enjoined by order of this Court, Arthrex's infringement of TriMed's rights under the '010 Patent will continue to damage TriMed, causing TriMed irreparable harm as a direct and proximate result of Arthrex's conduct.

18. Andover has been damaged by Arthrex's infringement of the '010 Patent, and is entitled to recover from Arthrex the damages sustained as a result of Arthrex's wrongful acts in an amount to be proved at trial.

19. Upon information and belief, Arthrex's infringement of the '010 Patent has been willful.

### **REQUESTED RELIEF**

WHEREFORE, TriMed respectfully requests that this Court enter Judgment against Arthrex as follows:

(a) declaring that Arthrex has directly infringed, induced infringement of, and/or contributed to the infringement of one or more claims of the '822 Patent;

(b) permanently enjoining Arthrex and its subsidiaries, affiliates, officers, directors, agents, servants, employees, licenses, successors, and customers and those in active concert or participation with any of them, from making, using, importing, offering to sell, or selling any products or methods that infringe or contribute to the infringement of any claims of the '822 Patent, or from inducing others to infringe any claim of the '822 Patent;

(c) awarding TriMed its lost profits, reasonable royalty and/or other damages in amounts sufficient to compensate it for Arthrex's infringement of the '822 Patent, together with prejudgment and post judgment and costs, pursuant to 35 U.S.C. § 284;

(d) trebling the damages awarded to TriMed by reasons of Arthrex's willful infringement of the '822 Patent;

(e) declaring that Arthrex has directly infringed, induced infringement of, and/or contributed to the infringement of one or more claims of the '010 Patent;

(f) permanently enjoining Arthrex and its subsidiaries, affiliates, officers, directors, agents, servants, employees, licenses, successors, and customers and those in active concert or participation with any of them, from making, using, importing, offering to sell, or selling any products or methods that infringe or contribute to the infringement of any claims of the '010 Patent, or from inducing others to infringe any claim of the '010 Patent;

(g) awarding TriMed its lost profits, reasonable royalty and/or other damages in amounts sufficient to compensate it for Arthrex's infringement of the '010 Patent, together with prejudgment and post judgment and costs, pursuant to 35 U.S.C. § 284;

(h) trebling the damages awarded to TriMed by reasons of Arthrex's willful infringement of the '010 Patent;

(i) declaring this case to be "exceptional" under 35 U.S.C. § 285 and awarding TriMed its attorney fees, expenses and costs incurred to this action; and

(j) awarding TriMed's such further relief as the Court deems just and proper.

**JURY DEMAND**

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, TriMed demands a trial by jury on all issues triable as such.

Dated: May 2, 2018

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