

PLI PATENT LITIGATION: 2020

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Vertebral Solutions, Inc., Vertebrex Implants,
L.P., and Vertebrex, Inc.

Plaintiff,

v.

MedTech, Inc., and MedTech USA, Inc.
Defendants.

Advanced Techniques & Best Practices

SUMMARY OF THE CASE

New York: November 2, 2020

Plaintiffs, Vertebral Solutions, Inc, Vertebrex Implants, L.P., and Vertebrex, Inc. (hereinafter “Vertebrex, or Plaintiffs”), and Defendants, MedTech, Inc., and MedTech USA, Inc., (hereinafter “MedTech, or Defendants”) pursuant to Local Rule hereby submit a short and concise statement of the case by each party in this action.

Short and Concise Statement of the Case by Each Party in the Action:

Plaintiff: Plaintiff Vertebrex is the oldest orthopedic medical device company in the world that designs, manufactures, markets and distributes products for repairing and reconstructing fractures in the body, including spinal and skeletal injuries. Vertebrex was established in 1895 by 35-year-old chemist and traveling pharmaceutical salesman, Alan Ruffier, who started the business for the sole purpose of manufacturing his new invention called the fiber splint. His fiber splint manufactured by Vertebrex changed the way orthopedic doctors treated fractures, previously treated with wooden splints. Over the last 125 years, Vertebrex has continued to advance orthopedic medicine with its portfolio of patents and products. One of Vertebrex’s most important orthopedic products is an artificial disc device called the DiscPro-II, sometimes referred to as Lumbar-DiscPro, or L-DiscPro, covered by US Patent No. 6,561,941 (“the ‘941 patent”), the patent at issues in this lawsuit.

Defendants: Defendant MedTech, one of the largest medical device companies in the world, began 70 years ago in a Minneapolis garage turned electronic repair shop that focused on medical equipment.

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MedTech’s first big invention was the battery powered implantable pacemaker. Today, MedTech manufactures and sells medical devices that treat 70 health conditions, helping over 72 million people a year. Its diverse portfolio of products and services includes cardiac devices, cranial and spine robotics, insulin pumps, surgical tools, patient monitoring systems and much more. The accused devices are 3 artificial disc devices made and sold through MedTech’s spine division. These artificial discs are called the Stealth – Stealth-A and Stealth-O – that are used to replace damaged, or defective discs in the spine.

Contentions of the Parties

Plaintiff Vertebrex contends that Defendant MedTech’s Stealth products infringe certain claims of the ‘941 patent. With respect to the Stealth artificial disc devices (Stealth, Stealth-A, and Stealth-O), the Court has already found and ruled that all of the MedTech devices infringe the claims of U.S. patent 6,561,941 (“the ‘941 patent”).

Plaintiff Vertebrex contends that MedTech owes Vertebrex damages for infringement. Moreover, Plaintiff Vertebrex contends that Defendants’ acts of infringement have been willful, justifying treble damages and reasonable attorney’s fees.

Defendant MedTech contends that the ‘941 patent is invalid because it is obvious in light of what was known before, and therefore MedTech owes no damages. MedTech also contends that it is not a willful infringer, in part because the patent is invalid.

Plaintiffs represented by Andrew Berdon, Esq., Quinn Emanuel Urquhart & Sullivan, LLP

Defendants represented by Keith R. Hummel, Esq., Cravath Swaine & Moore, LLP