

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FUSION ORTHOPEDICS, LLC,
Petitioner,

v.

EXTREMITY MEDICAL, LLC,
Patent Owner.

IPR2023-00894
Patent 11,298,166

PETITIONER’S UPDATED LIST OF EXHIBITS

Exhibit No.	Description
1001	U.S. Patent No. 11,298,166 B2 to Jeff Tyber, <i>et al.</i> , filed on May 18, 2021, issued on April 12, 2022. (“166 patent”).
1002	Expert Declaration by Leonel Dominguez
1003	French Patent Publication No. FR2,861,576 A1 to Cognet Jean Michel, filed on October 31, 2003, published on May 6, 2005. (“Cognet”)
1004	French Patent Publication No. FR2,861,576 A1 to Cognet Jean Michel, filed on October 31, 2003, published on May 6, 2005. Translated into English. (“Cognet”).
1005	Cognet Translation Affidavit
1006	U.S. Patent No. 4,827,917 to David L. Brumfield, filed on December 30, 1986, issued on May 9, 1989. (“Brumfield”).
1007	U.S. Patent Publication No. 2003/0187447 to Joseph Ferrante, <i>et al.</i> , filed on April 7, 2003, published on October 2, 2003. (“Ferrante”).
1008	U.S. Patent Publication No. 2006/0206044 to William Simon, filed on August 1, 2003, published on September 14, 2006. (“Simon”).

1009	U.S. Patent No. 6,270,499 B1 to Dieter Leu, <i>et al.</i> , PCT filed on October 20, 1997; PCT published on April 29, 1999; issued on August 7, 2001. ("Leu")
1010	Extremity Medical, LLC's Response to Defendant Fusion Orthopedics, LLC's First Set of Interrogatories (Nos. 1-6). No. CV-22-00723-PHX-GMS.
1011	Case Management Order, No. CV-22-00723-PHX-GMS, Document 49, Filed December 16, 2022.
1012	Memorandum: Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation, June 21, 2022
1013	Declaration in Support of Pro Hac Vice Admission
1014	U.S. Patent No. 9,044,282 B2 to Jeff Tyber, <i>et al.</i> , filed on February 11, 2010, issued on June 2, 2015. ("282 patent").
1015	U.S. Patent No. 9,044,282 file history selections ("680 application")
1016	U.S. Patent Application Serial No. 12/906,454, filed on October 10, 2010, file history selections
1017	Transcript of Deposition of Eric H. Ledet, Ph.D., April 15, 2024
1018	Second Expert Declaration of Leonel Dominguez
1019	U.S. Patent No. 6,056,753 to Roger P. Jackson, filed on July 13, 1998, issued on May 2, 2000 ("Jackson")
1020	U.S. Patent Publication No. 2006/0200147 A1 filed by Michael Ensign, <i>et al.</i> on February 17, 2006, published on September 7, 2006 ("Ensign")
1021	U.S. Patent No. 5,562,670 to Per-Ingvar Brånemark, filed on April 26, 1994, issued on October 8, 1996 ("Brånemark")
1022	U.S. Patent No. 10,639,076 to Eric H. Ledet, <i>et al.</i> , filed on March 12, 2018, issued on May 5, 2020
1023	Ledet et al., "Novel lumbrosacral axial fixation techniques." <i>Expert Rev. Med. Devices</i> , 3(3), 327–334 (2006).
1024	U.S. Patent Publication No. 2017/0100174 A1 filed by Himanshu Mishra, <i>et al.</i> , on October 11, 2016, published on April 13, 2017 ("Mishra")
1025	U.S. Patent No. 4,726,121 to Charles D. Ray, <i>et al.</i> , filed on March 9, 1987, issued on February 23, 1988 ("Ray")
1026	U.S. Patent No. 4,327,770 to Peter W. Brown, <i>et al.</i> , filed on November 23, 1979, issued on May 4, 1982 ("Brown")
1027	U.S. Patent No. 5,908,024 to Victor S. Staev, filed on November 21, 1997, issued on June 1, 1999 ("Staev")
1028	U.S. Patent Publication No. 2008/0202235 A1 filed by Larry D. Laps, <i>et al.</i> , on July 20, 2006, published on August 28, 2008 ("Laps")
1029	U.S. Patent No. 4,753,234 to Miguel Martinez, filed on November 3, 1986, issued on June 28, 1988 ("Martinez")
1030	U.S. Patent No. 5,522,843 to Kerry Zang, filed on February 23, 1994, issued on June 4, 1996 ("Zang")
1031	U.S. Patent No. 6,097,592 to Yeol-Gu Seo, et al., filed on October 16, 1997, published on August 1, 2000 ("Seo")

1032	U.S. Patent No. 4,286,453 to Klaus Exner, filed on May 16, 1979, issued on September 1, 1981 ("Exner")
1033	Spanish Patent No. ES 2,164,543 B1 to López-Oliva Munõz English translation and translation certification ("Lopez")
1034	Computer file Fig-18.blend (paper placeholder filed)
1035	Computer file Fig-9.blend (paper placeholder filed)
1036	Still images from Fig-18.blend
1037	Still images from Fig-9.blend
1038	Still image from Fig-18.blend marked by Dr. Ledet
1039	U.S. Patent No. 4,846,162 to J. David Moehring, filed on September 14, 1987, issued on July 11, 1989 ("Moehring")
1040	U.S. Patent Publication No. 2010/0160967 to Joseph Capozzoli, filed on December 22, 2009, published on June 24, 2010 ("Capozzoli")
1041	U.S. Patent Publication No. 2009/0118733 to James Edward Orsak, <i>et al.</i> , filed on October 31, 2008, published on May 7, 2009 ("Orsak")
1042	U.S. Patent No. 4,535,764 to Edward A. Ebert, filed on April 15, 1983, issued on August 20, 1985 ("Ebert")
1043	U.S. Patent No. 7,442,195 to Alfred F. Behrens, filed on September 12, 2005, issued on October 28, 2008 ("Behrens")
1044	U.S. Patent No. 6270528 to William F. McKay, filed on August 6, 1999, issued on August 7, 2001 ("McKay")
1045	Computer file Fig-18-final.blend (paper placeholder filed)
1046	Computer file Fig-9-final.blend (paper placeholder filed)
1047	Video Fig-18-final.mp4
1048	Video Fig-9-final.mp4
1049	Still images from Fig-18-final.blend
1050	Still images from Fig-9-final.blend
1051	Declaration of Eli Jacobson
1052	Declaration of Scott Kamholz
1053	Spanish Patent No. ES 2,164,543 B1 to López-Oliva Munõz, filed on July 19, 1999, published on February 16, 2002, issued on May 16, 2003

Respectfully submitted,
Fusion Orthopedics, LLC

By:

Dated: May 3, 2024

/Jennifer R. Brinkerhoff/
Jennifer R. Brinkerhoff
Reg. No. 78,696
Counsel for Petitioner

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6, I certify that on the date listed below, a copy of this paper and every exhibit filed with this paper was served on the following:

Vincent M. Ferraro (vferraro@kelleydrye.com)
Michael Zinna (MZinna@KelleyDrye.com)

Dated: May 3, 2024

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