

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

New Amsterdam LLC,

Plaintiff,

v.

**Medtronic plc, Medtronic, Inc., Medtronic
USA, Inc., Medtronic Xomed, Inc., and
Intersect ENT, Inc.,**

Defendants.

Case No. 2:23-cv-00421-JRG-RSP

JURY TRIAL DEMANDED

PRELIMINARY INFRINGEMENT CONTENTIONS

In accordance with the Order Governing Proceedings issued in this case, New Amsterdam LLC (“Plaintiff”) respectfully serves these Preliminary Infringement Contentions against Medtronic plc, Medtronic, Inc., Medtronic USA, Inc., Medtronic Xomed, Inc., and Intersect ENT, Inc. (“Medtronic” or “Defendant”).

Appended hereto are charts setting forth where in the Accused Instrumentalities (as defined in the operative Complaint) each element of each Asserted Claim is found.

The Asserted Patents are as follows: U.S. Patent No. 6,916,483 (“the ’483 Patent”) (“the Asserted Patents”).

The Asserted Claims are as follows:

- U.S. Patent No. 6,916,483 Claims 1, 2, 3, 4 and 16.

The priority date of each of the ’483 Patent is July 22, 2002.

The ’483 Patent expired June 9, 2023.

To the extent Defendant challenges either the priority date or the expiration date of any Asserted Patent or of individual Asserted Claim, Plaintiff contends that any such challenge must be raised with specificity contemporaneous with Defendant's Invalidity Contentions. Given the central importance of the priority date (the "date of invention") to the issues of claim construction and validity, Plaintiff will move to preclude any such argument or challenge not timely raised.

In addition to the appended Claim Charts, Plaintiff is producing all document in its possession, custody, and control (if any) evidencing conception and reduction to practice of the Asserted Claims, as well as copies of the file histories for each of the Asserted Patents.

Dated: March 11, 2024

Respectfully Submitted

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