

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

MEDSHAPE, INC. and TRILLIANT  
SURGICAL LLC (d/b/a ENOVIS FOOT  
AND ANKLE)

Plaintiffs,

v.

ARTHREX, INC.

Defendant.

Civil Action No. 6:24-cv-151-JKP-DTG

**JURY TRIAL DEMANDED**

**JOINT CLAIM CONSTRUCTION STATEMENT**

Pursuant to the Scheduling Order in this case (Dkt. 46), Plaintiffs Medshape, Inc. and Trilliant Surgical LLC (d/b/a Enovis Foot and Ankle) (collectively “Enovis”) and Defendant Arthrex, Inc. (“Arthrex”) hereby submit this Joint Claim Construction Statement of disputed claim terms and proposed claim constructions for U.S. Patent No. 7,985,222 (the “’222 Patent”).

**I. DISPUTED CONSTRUCTIONS**

| <b>Term</b>                                                                                                                                                                                                 | <b>Claim(s)</b> | <b>Enovis’s Proposed Construction</b>      | <b>Arthrex’s Proposed Construction</b>                                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|--------------------------------------------|----------------------------------------------------------------------------------|
| “bone fragment”                                                                                                                                                                                             | 1, 3, 4, 7, 8   | Plain and ordinary meaning                 | Plain and ordinary meaning, which is “a piece of bone broken from a larger bone” |
| “stretching the bone device is performed with the bone device substantially in an austenitic phase” / “inserting the bone device into the second bone fragment is performed while the responsive portion is | 2, 7, 8         | Not indefinite; plain and ordinary meaning | Indefinite                                                                       |

|                                                                                                                                                                                    |  |  |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|
| substantially in an austenitic phase” / “inserting the bone device into the first bone fragment is performed while the responsive portion is substantially in an austenitic phase” |  |  |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|

DATED: November 26, 2024.

Respectfully submitted,

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/s/ Eric M. Albritton

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document has been delivered to all counsel of record via the Court's CM/ECF service and by electronic transmission to Defendant's counsel on this 26<sup>th</sup> day of November, 2024.

/s/ James Travis Underwood

James Travis Underwood