

Plaintiff's Preliminary Infringement Claim Chart
Spinelogik, Inc. v. Globus Medical, Inc.
Cause No.: 2:23-cv-529
U.S. Patent No. 9,730,805
Asserted Claims: 1, 5, 6, 11, 15, 16 and 17.

Plaintiff provides this Infringement Chart based upon its best reasonable evaluation of publicly available information as of the date of service hereof. Most, if not all, of the infringing functionality is proprietary to Defendant; thus, Plaintiff reserves its right to supplement these Contentions as necessary following full technical production on the part of Defendant and following full review of the relevant historical source code for the Accused Instrumentalities by Plaintiff's experts to be designated in due course of this litigation.

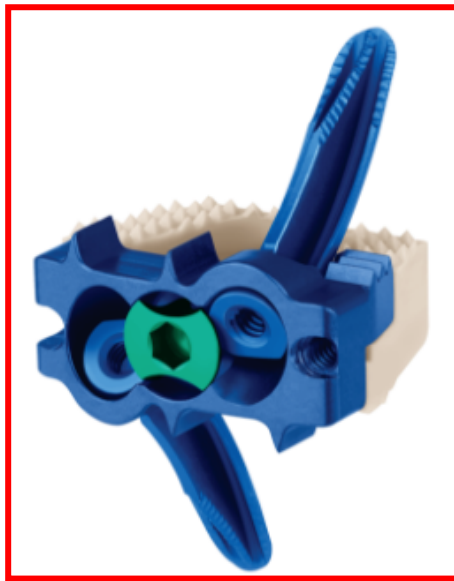
As of the date of preparation of this Infringement Chart, which is being undertaken without the benefit of discovery, Plaintiff believes and alleges that each element is literally present in the Accused Instrumentalities. To the extent discovery reveals infringement occurs in manners or using systems different than those believed to be made, used, and sold by Defendant, Plaintiff intends to argue that such differences are nevertheless infringing under the Doctrine of Equivalents.

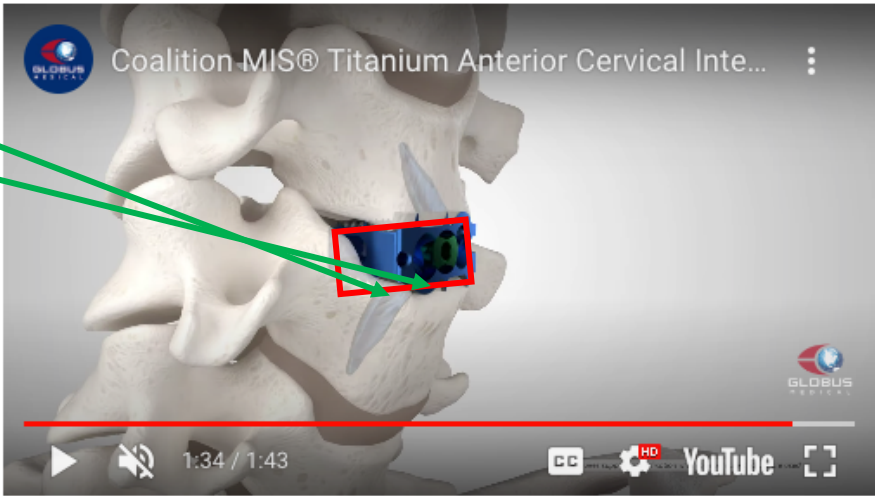
This Infringement Chart is applicable to methods practiced and/or implemented by or in connection with all iterations of the Accused Instrumentalities made, used, sold, and/or offered for sale, from and after the date falling prior to the date of filing of the Original Complaint in this litigation, and extending through the expiration of the '794 Patent. Plaintiff contends, and hereupon alleges, that all such iterations, versions, and progressively more robust implementations of the Accused Instrumentalities during the period of infringement nevertheless infringe the Asserted Claims in substantially the same or identical manner as is set forth herein.

In preparing these Charts, and for the sake of completeness, Plaintiff has included the preambles for each Asserted Claim. In so doing, Plaintiff does not contend that such preambles are in any way limiting on any Asserted Claim.

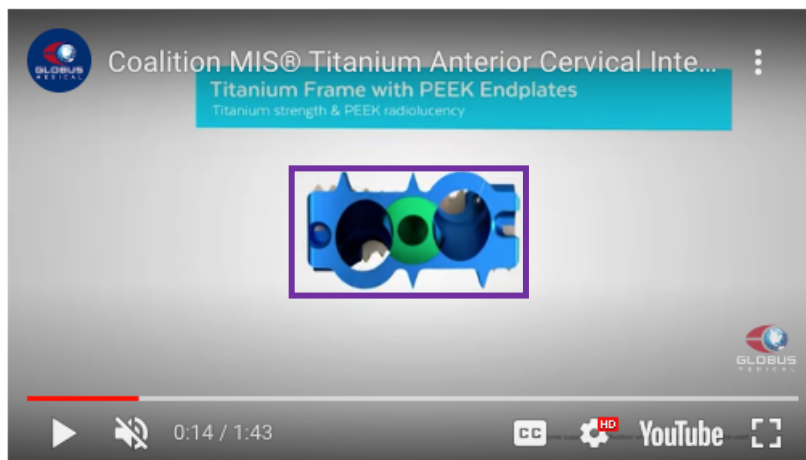
For each element of these Charts, it is herein alleged to infringe literally, or in the alternative, under the doctrine of equivalents.

Claim Chart - Preliminary Draft for Review Purposes Only

US 9,730,805	Globus - Coalition MIS
1. An apparatus comprising:	Product Overview The <u>COALITION MIS</u>[®] spacer is an anterior cervical interbody spacer that delivers integrated anchor fixation in fewer procedural steps through a less invasive surgical corridor than traditional integrated spacers. COALITION MIS[®] titanium spacers feature SintrOS™, a laser engraved surface technology, designed to encourage cellular activity at the bone interface.  https://www.globusmedical.com/products/coalition-mis-spacer/

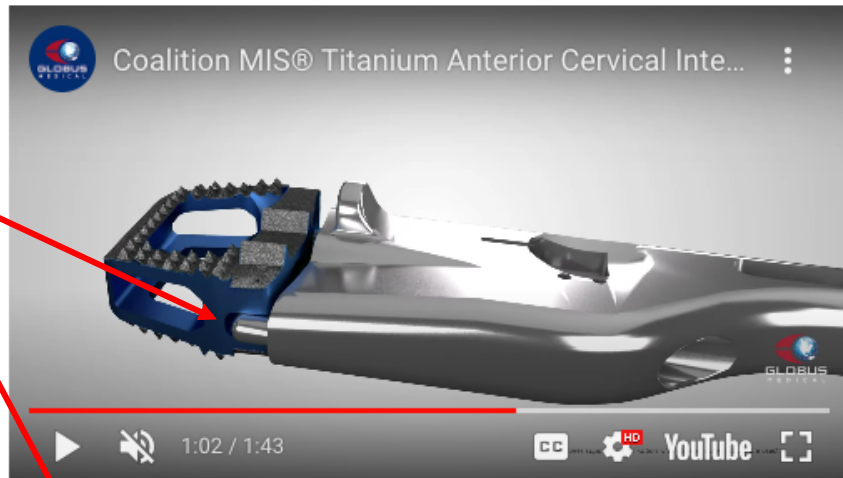
a fusion member for positioning between two vertebral bodies,	 https://www.globusmedical.com/products/coalition-mis-spacer/
the fusion member having a first plurality of channels,	 https://www.globusmedical.com/products/coalition-mis-spacer/

each channel of the first plurality of channels having an opening on a same side of the fusion member;



<https://www.globusmedical.com/products/coalition-mis-spacer/>

a delivery mechanism for delivering the fusion member between the two vertebral bodies,

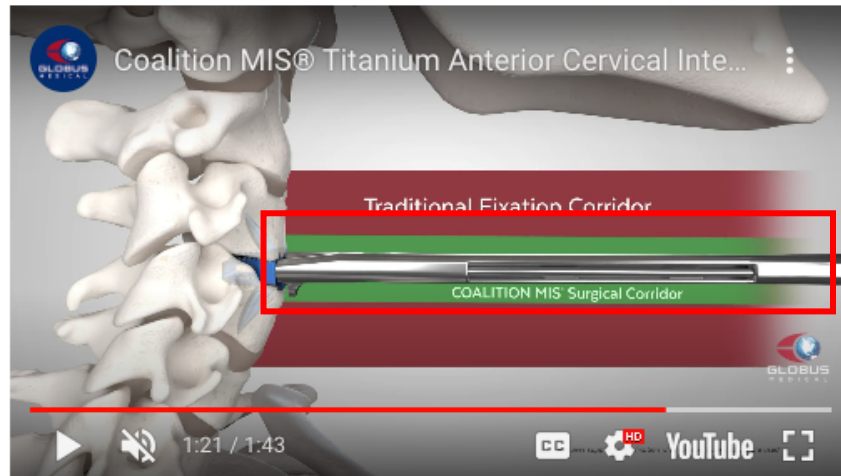


<https://www.globusmedical.com/products/coalition-mis-spacer/>



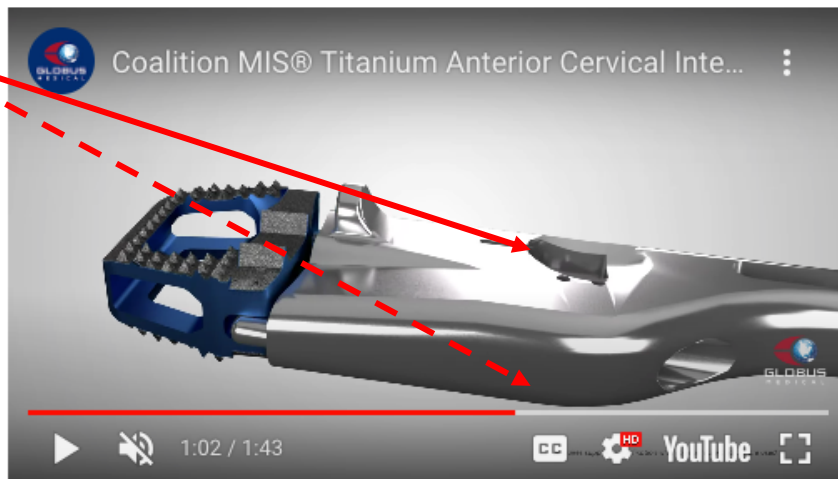
<https://www.globusmedical.com/products/coalition-mis-spacer/>

the delivery mechanism extending outside a patient's body to a medical practitioner while the delivery mechanism is coupled to the fusion member and the fusion member is positioned between the two vertebral bodies,



<https://www.globusmedical.com/products/coalition-mis-spacer/>

the delivery
mechanism
having a second
plurality of
channels,

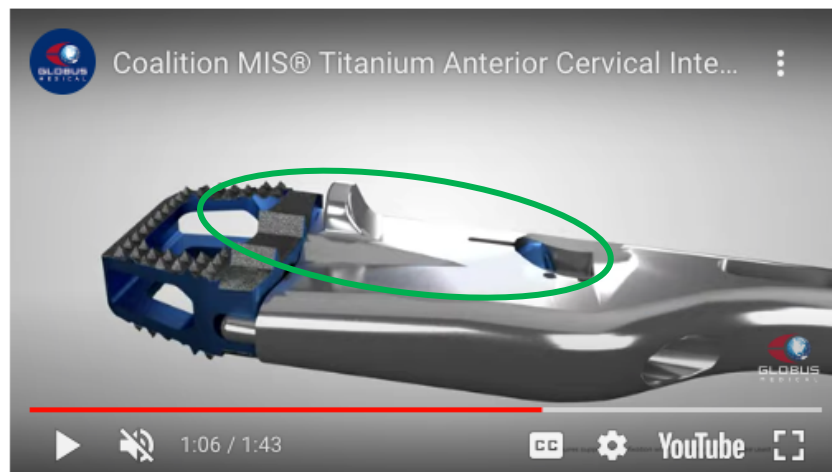


<https://www.globusmedical.com/products/coalition-mis-spacer/>

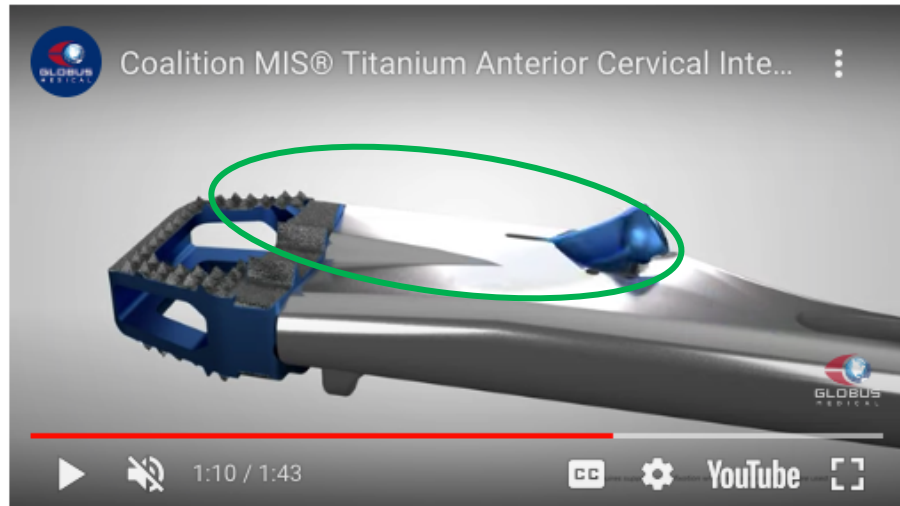
wherein each channel of the first plurality of channels is configured to be aligned with a different channel of the second plurality of channels when the delivery mechanism delivers the fusion member between the two vertebral bodies; and



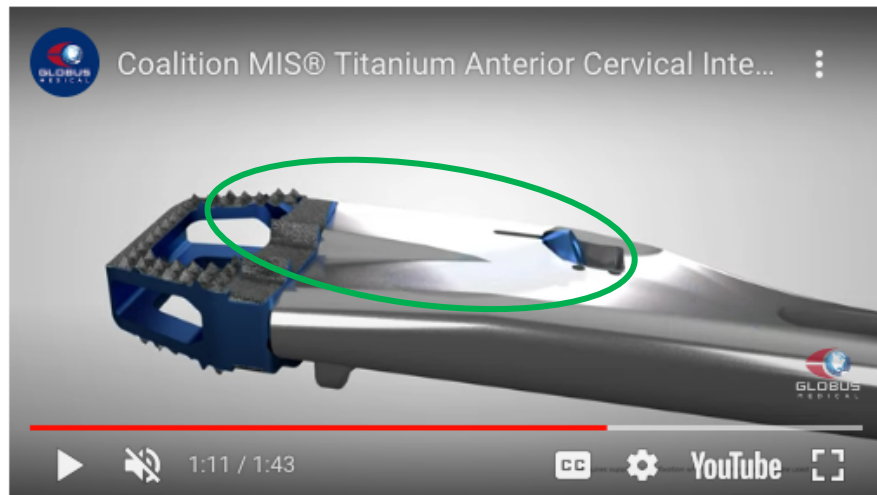
<https://www.globusmedical.com/products/coalition-mis-spacer/>



<https://www.globusmedical.com/products/coalition-mis-spacer/>

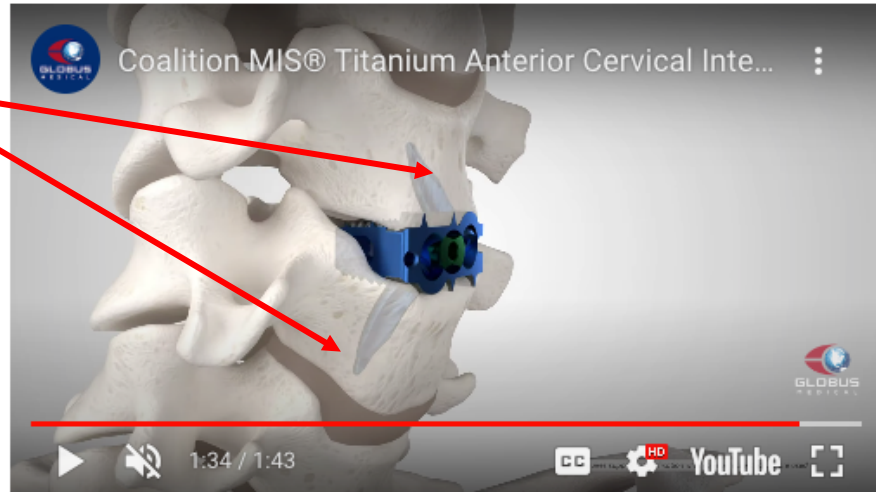


<https://www.globusmedical.com/products/coalition-mis-spacer/>



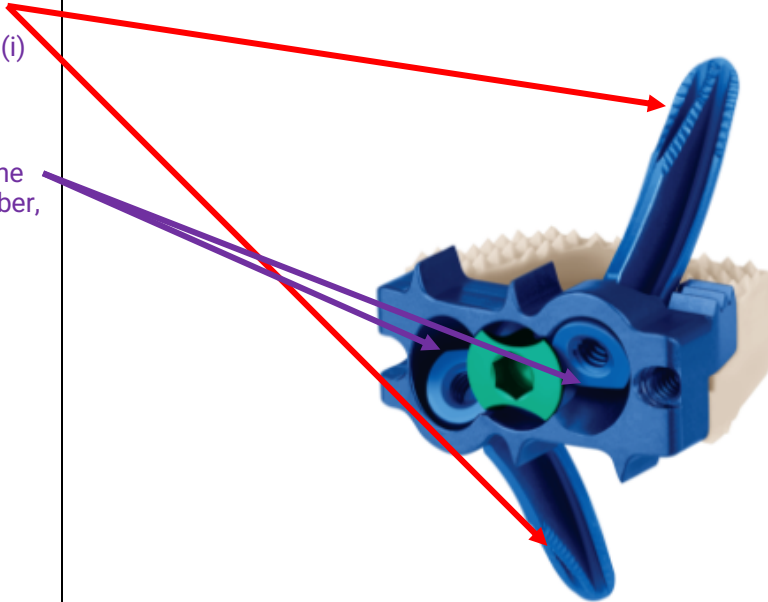
<https://www.globusmedical.com/products/coalition-mis-spacer/>

a plurality of independent anchoring members configured to secure the fusion member to the vertebral bodies,

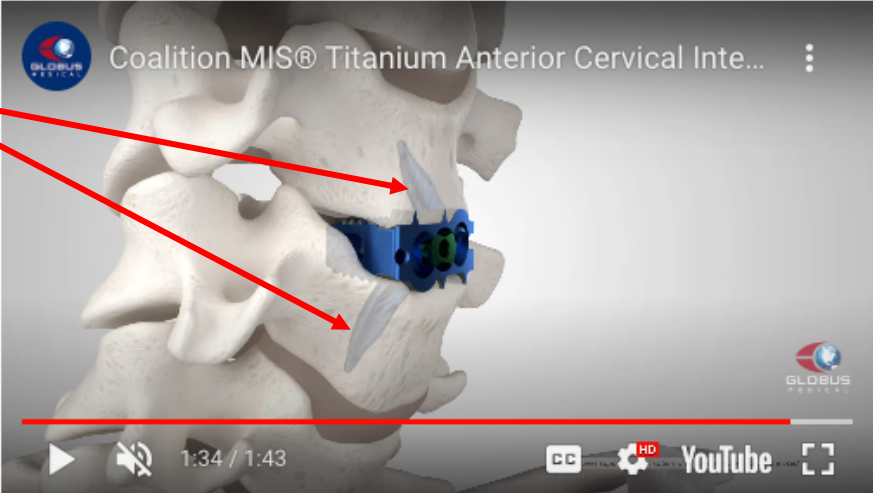


<https://www.globusmedical.com/products/coalition-mis-spacer/>

each
independent
anchoring
member for (i)
traversing
through a
different
channel of the
fusion member,



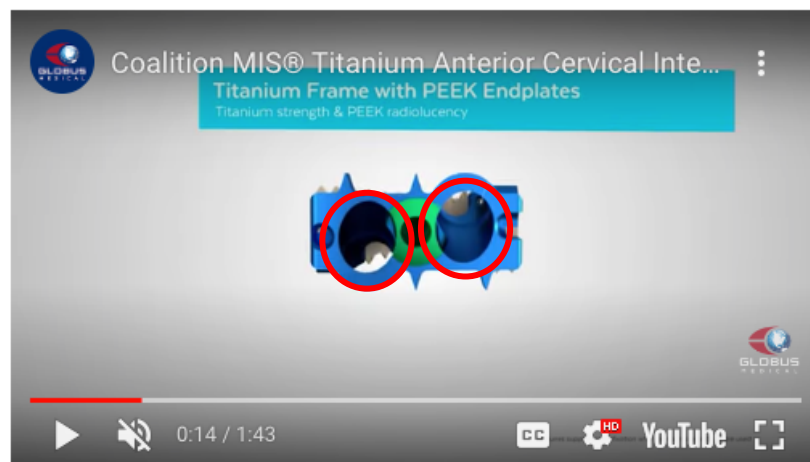
<https://www.globusmedical.com/products/coalition-mis-spacer/>

(ii) penetrating into one of the vertebral bodies, (iii) coupling the fusion member to the penetrated vertebral body, and (iv) preventing decoupling of the fusion member from the penetrated vertebral body.	 https://www.globusmedical.com/products/coalition-mis-spacer/

5. The apparatus of claim 1, wherein each channel of the fusion member is curved.



<https://www.globusmedical.com/products/coalition-mis-spacer/>



<https://www.globusmedical.com/products/coalition-mis-spacer/>

The following Globus products are protected by patents in the
U.S. and elsewhere.

This page is provided to satisfy the virtual patent marking provisions of the America Invents Act under 35 U.S.C.
§ 287(a). The following list of Globus products may not be all inclusive, and other Globus products not listed
here may be protected by one or more patents.

COALITION MIS® ACDF System

8328872; 8641768; 9364343; 9675467; 9980824;
10478311; 10548744; 11065128; 11166824; 11369489;
11464652; 11678998

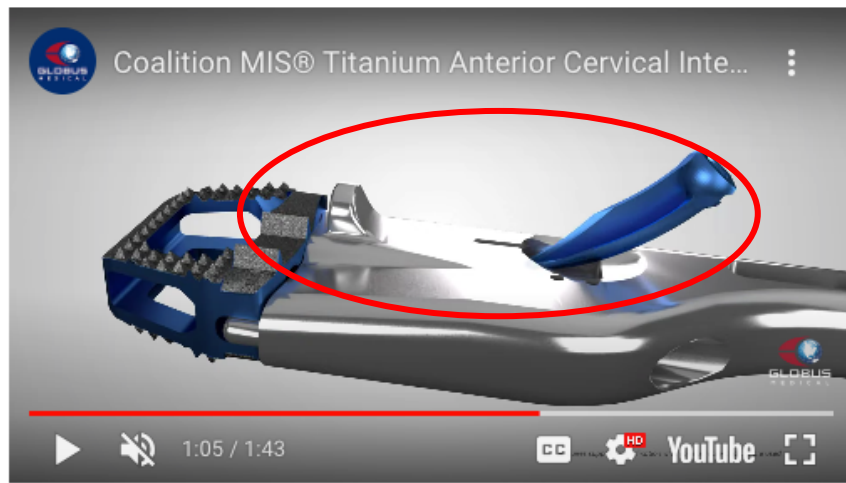
<https://www.globusmedical.com/musculoskeletal-solutions/patents/>

From 9,980,824:

Bores **26** may be substantially linear. Such a configuration allows bores **26** to receive both linear fastening members and curvilinear fastening members. (Col. 3, Lines 30-31).

Each anchor channel **118** may have a variable cross-section along the length of anchor housing **116**. In some examples, a given cross-section of anchor channel **118** may be t-shaped or any another suitable cross-section. A curvature at the leading end of anchor channel **118** may be complimentary to certain portions of a curvilinear anchor (e.g., anchor **300** shown in FIG. 29). Those portions may include an elongate shank **308** and elongate fin **310**, shown in FIGS. 29 and 31. That is, anchor channel **118** may be defined by a concave surface **119** that is complimentary to elongate shank **308** of vertebral anchor **300**. For example, a laterally extending portion **148** of each channel **118** may be configured to complement and receive a curved elongate shank **308**, and a vertically extending portion **126** of each channel **118** may receive a curved elongate fin **310**. (Col. 7, Lines 50-65)

6. The apparatus of claim 1, wherein traversing through the different channel of the fusion member comprises entering the different channel of the fusion member through a corresponding channel of the delivery mechanism.



<https://www.globusmedical.com/products/coalition-mis-spacer/>

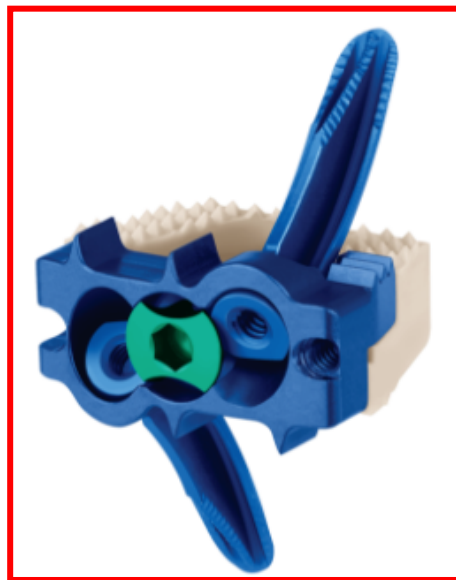


<https://www.globusmedical.com/products/coalition-mis-spacer/>

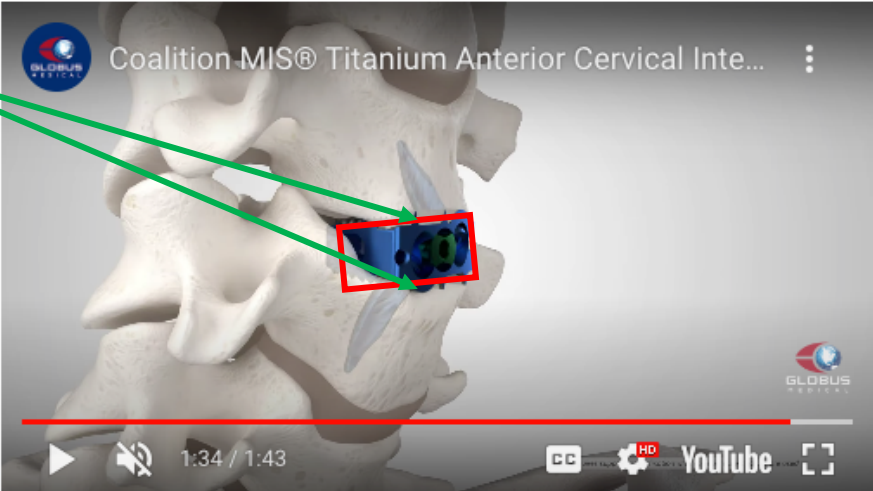
11. A fusion device comprising:

Product Overview

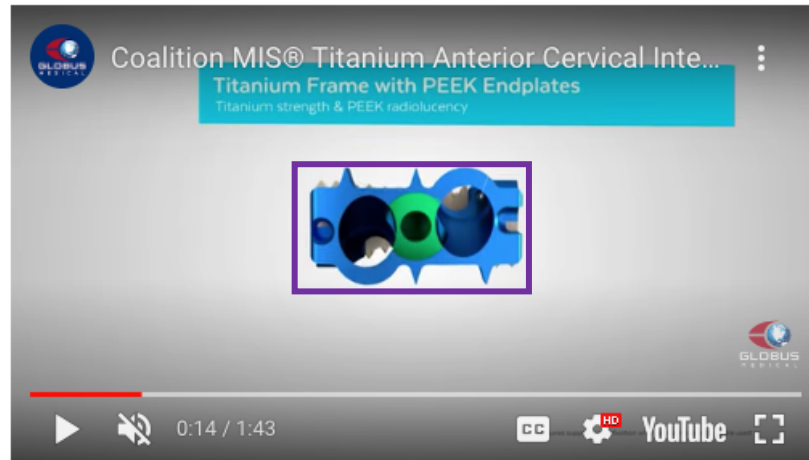
The COALITION MIS[®] spacer is an anterior cervical interbody spacer that delivers integrated anchor fixation in fewer procedural steps through a less invasive surgical corridor than traditional integrated spacers. COALITION MIS[®] titanium spacers feature SintrOS™, a laser engraved surface technology, designed to encourage cellular activity at the bone interface.



<https://www.globusmedical.com/products/coalition-mis-spacer/>

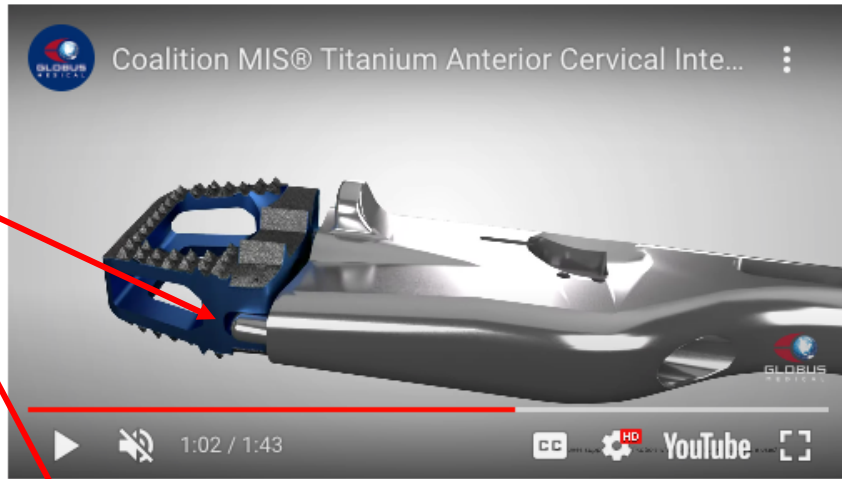
a fusion member for positioning between two vertebral bodies,	 https://www.globusmedical.com/products/coalition-mis-spacer/
the fusion member having a first plurality of channels,	 https://www.globusmedical.com/products/coalition-mis-spacer/

each channel of the first plurality of channels having an opening on a same side of the fusion member;



<https://www.globusmedical.com/products/coalition-mis-spacer/>

a delivery mechanism for delivering the fusion member between the two vertebral bodies,

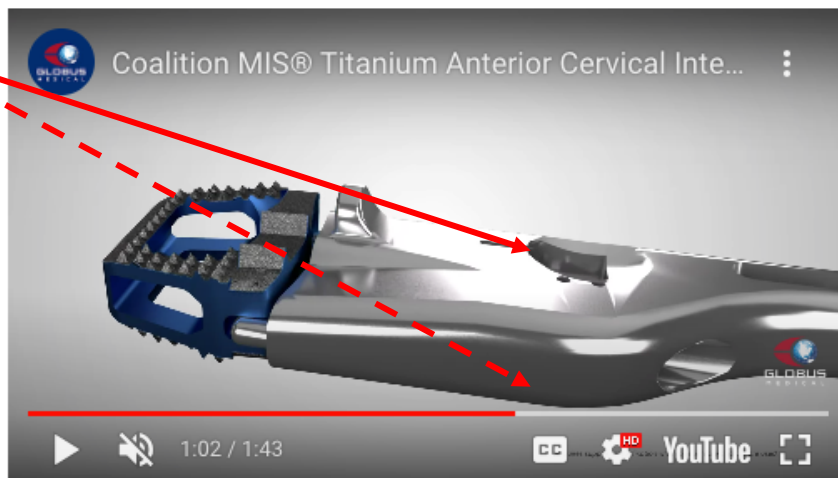


<https://www.globusmedical.com/products/coalition-mis-spacer/>



<https://www.globusmedical.com/products/coalition-mis-spacer/>

the delivery
mechanism
having a second
plurality of
channels,

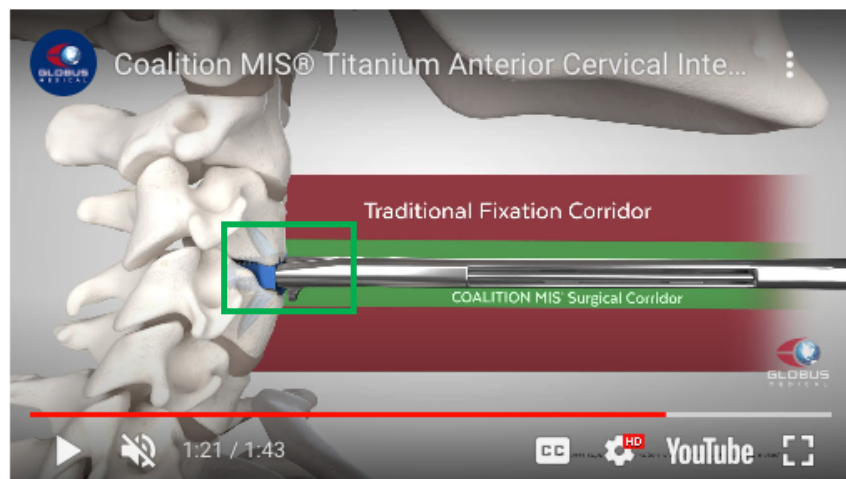


<https://www.globusmedical.com/products/coalition-mis-spacer/>

wherein each channel of the first plurality of channels is configured to be aligned with a different channel of the second plurality of channels when the delivery mechanism delivers the fusion member between the two vertebral bodies;

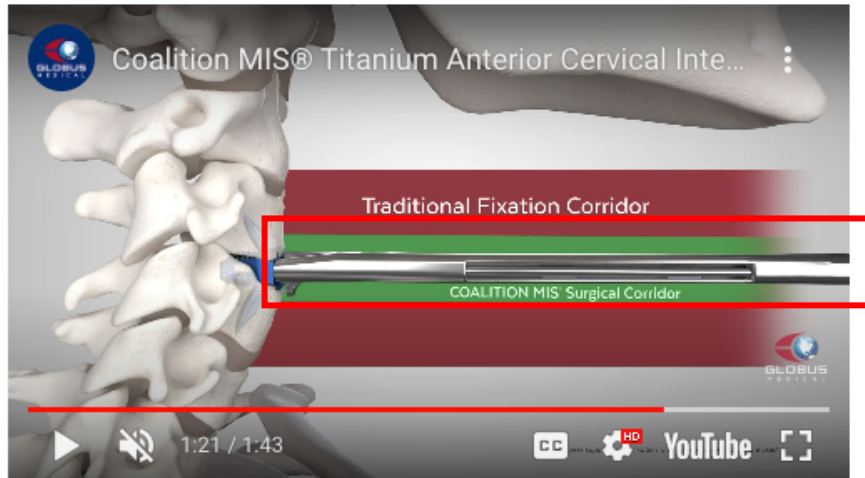


<https://www.globusmedical.com/products/coalition-mis-spacer/>



<https://www.globusmedical.com/products/coalition-mis-spacer/>

and the delivery mechanism extending outside a patient's body to a medical practitioner while the delivery mechanism is coupled to the fusion member and the fusion member is positioned between the two vertebral bodies,



<https://www.globusmedical.com/products/coalition-mis-spacer/>

a plurality of independent anchoring members configured to secure the fusion member to the vertebral bodies, each independent anchoring member for (i) coupling the fusion member to the vertebral body, and (ii) preventing decoupling of the fusion member from the vertebral body.

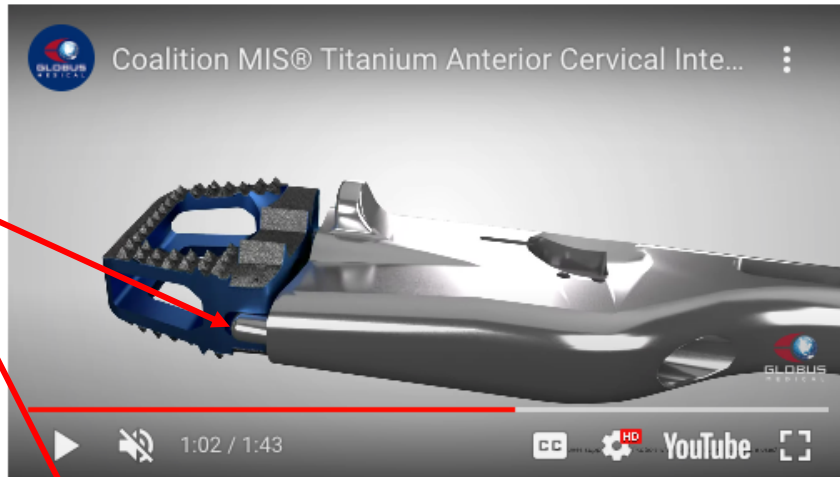


<https://www.globusmedical.com/products/coalition-mis-spacer/>



<https://www.globusmedical.com/products/coalition-mis-spacer/>

15. The fusion device of claim 11 further comprising a driving member configured to drive each independent anchoring member through the delivery mechanism.



<https://www.globusmedical.com/products/coalition-mis-spacer/>

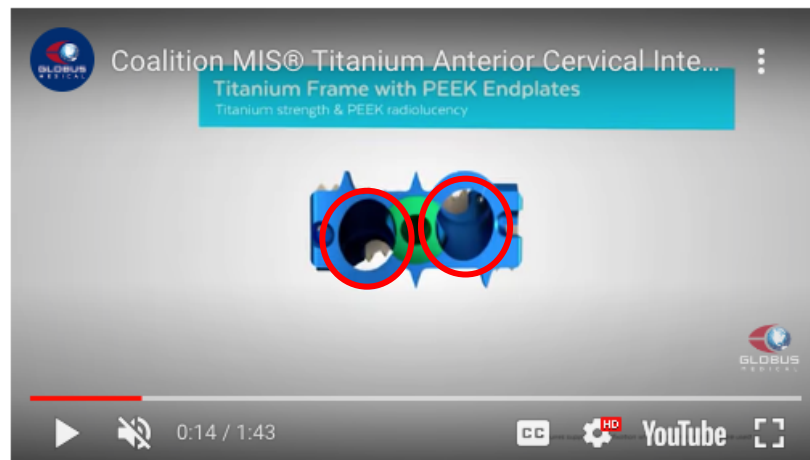


<https://www.globusmedical.com/products/coalition-mis-spacer/>

16. The fusion device of claim 11, wherein each channel of the fusion member is curved.



<https://www.globusmedical.com/products/coalition-mis-spacer/>



<https://www.globusmedical.com/products/coalition-mis-spacer/>

The following Globus products are protected by patents in the
U.S. and elsewhere.

This page is provided to satisfy the virtual patent marking provisions of the America Invents Act under 35 U.S.C.
§ 287(a). The following list of Globus products may not be all inclusive, and other Globus products not listed
here may be protected by one or more patents.

COALITION MIS® ACDF System

8328872; 8641768; 9364343; 9675467; 9980824;
10478311; 10548744; 11065128; 11166824; 11369489;
11464652; 11678998

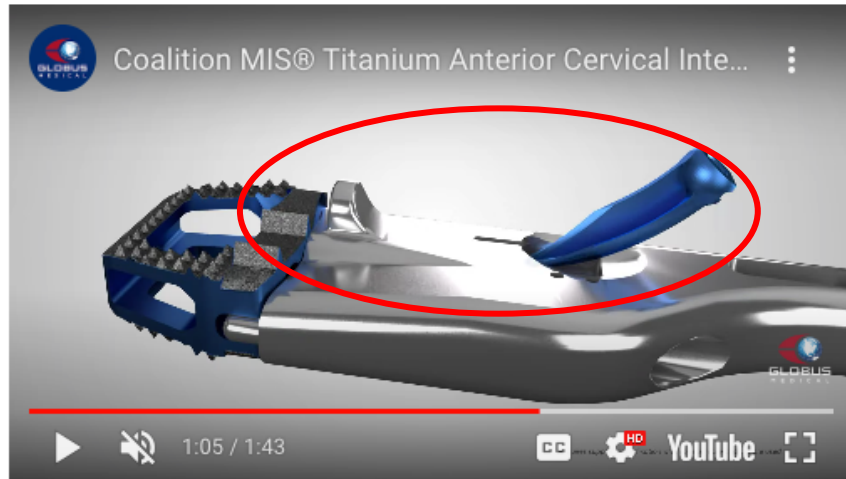
<https://www.globusmedical.com/musculoskeletal-solutions/patents/>

From 9,980,824:

Bores **26** may be substantially linear. Such a configuration allows bores **26** to receive both linear fastening members and curvilinear fastening members. (Col. 3, Lines 30-31).

Each anchor channel **118** may have a variable cross-section along the length of anchor housing **116**. In some examples, a given cross-section of anchor channel **118** may be t-shaped or any another suitable cross-section. A curvature at the leading end of anchor channel **118** may be complimentary to certain portions of a curvilinear anchor (e.g., anchor **300** shown in FIG. 29). Those portions may include an elongate shank **308** and elongate fin **310**, shown in FIGS. 29 and 31. That is, anchor channel **118** may be defined by a concave surface **119** that is complimentary to elongate shank **308** of vertebral anchor **300**. For example, a laterally extending portion **148** of each channel **118** may be configured to complement and receive a curved elongate shank **308**, and a vertically extending portion **126** of each channel **118** may receive a curved elongate fin **310**. (Col. 7, Lines 50-65)

17. The fusion device of claim 11, wherein each independent anchoring member is further for entering the different channel of the fusion member through a corresponding channel of the delivery mechanism in order to couple the fusion member to the penetrated vertebral body.



<https://www.globusmedical.com/products/coalition-mis-spacer/>



<https://www.globusmedical.com/products/coalition-mis-spacer/>



<https://www.globusmedical.com/products/coalition-mis-spacer/>