

Plaintiff's Preliminary Infringement Claim Chart
Spinelogik, Inc. v. Globus Medical, Inc.
Cause No.: 2:23-cv-529
U.S. Patent No. 8,460,385
Asserted Claims: 1, 2, 7 and 9.

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.

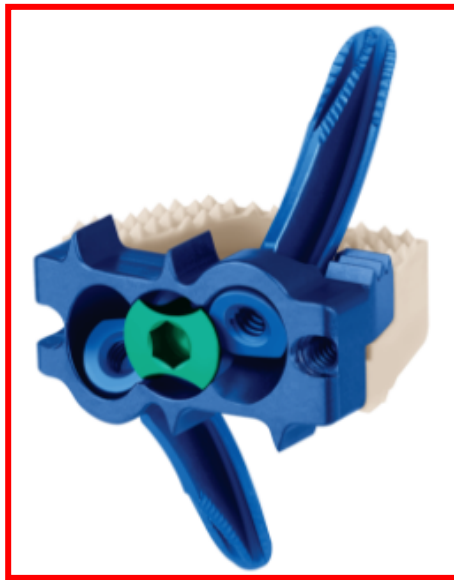
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This Infringement Chart is applicable to methods practiced and/or implemented by or in connection with all iterations of the Accused Instrumentalities made, used, sold, and/or offered for sale, from and after the date falling prior to the date of filing of the Original Complaint in this litigation, and extending through the expiration of the '385 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.

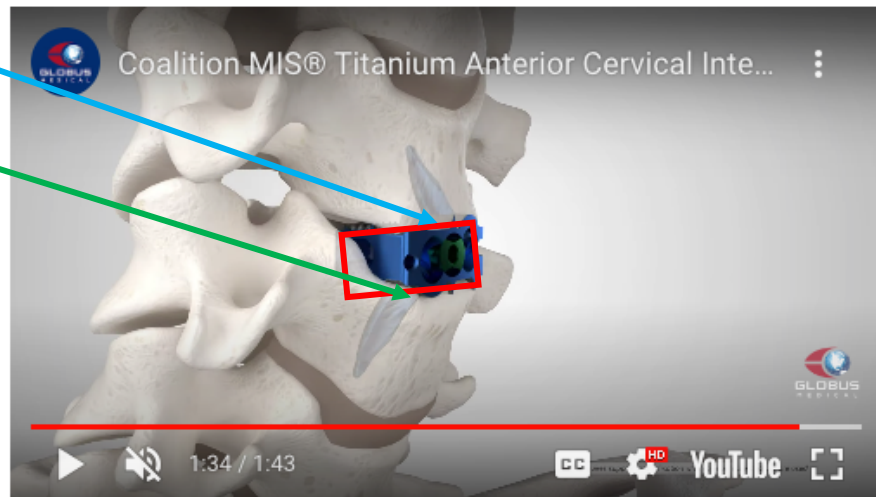
In preparing these Charts, and for the sake of completeness, Plaintiff has included the preambles for each Asserted Claim. In so doing, Plaintiff does not contend that such preambles are in any way limiting on any Asserted Claim.

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 8,460,385	Globus – Coalition MIS
1. A fusion device 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 configured to position between first and second vertebral bodies,

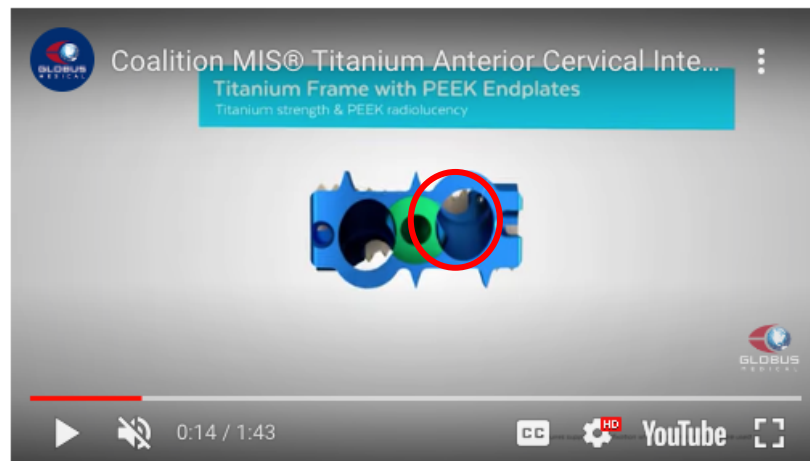


<https://www.globusmedical.com/products/coalition-mis-spacer/>

the fusion member comprising a first curved channel



<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

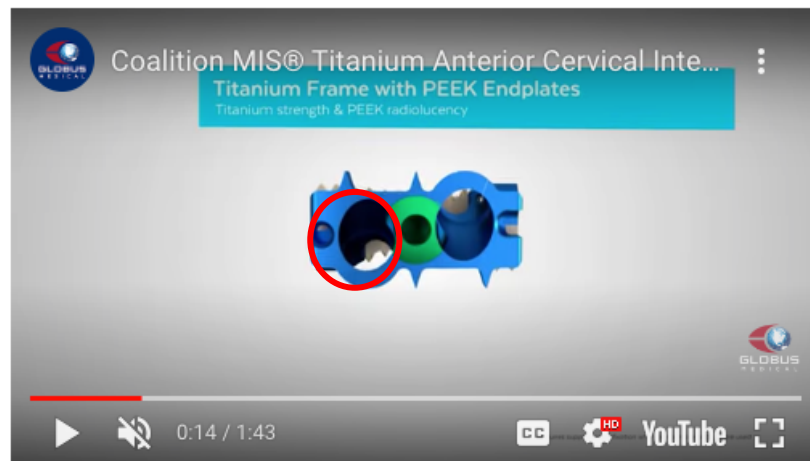
<https://www.globusmedical.com/musculoskeletal-solutions/patents/>

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)

and a second
curved channel;



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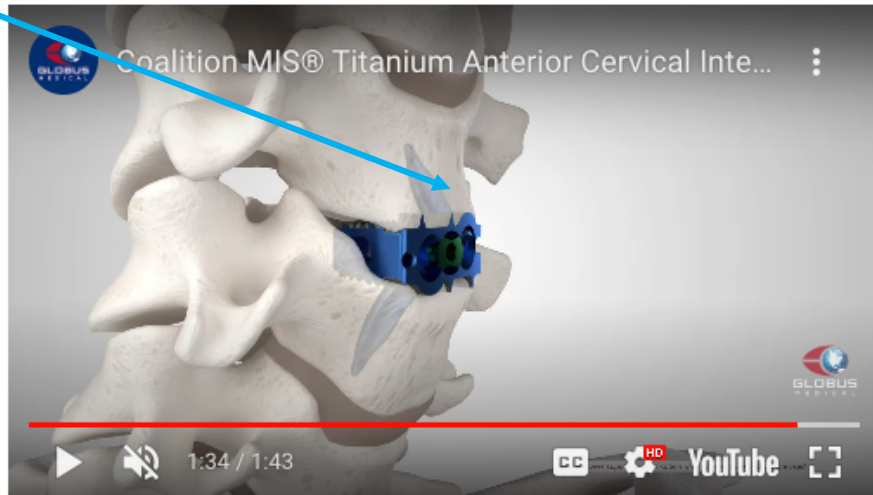
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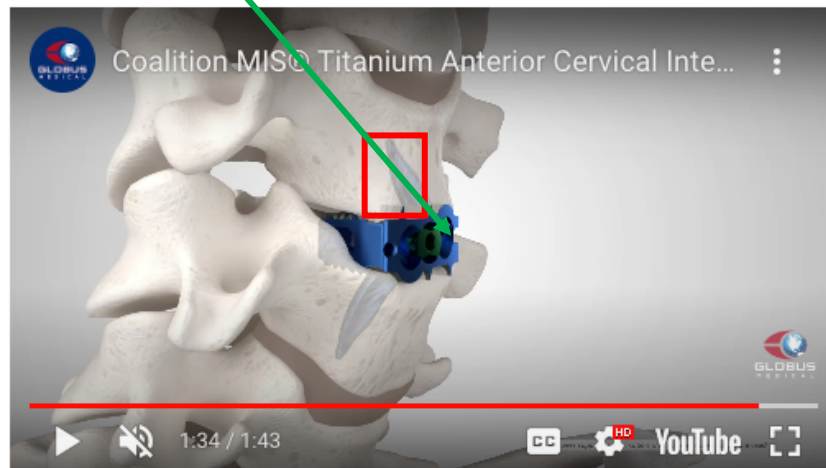
a first anchoring member configured to insert through the first curved channel and partially into the first vertebral body while a portion of the first anchoring member remains within the fusion member, in order to couple the fusion member with the first vertebral body; and

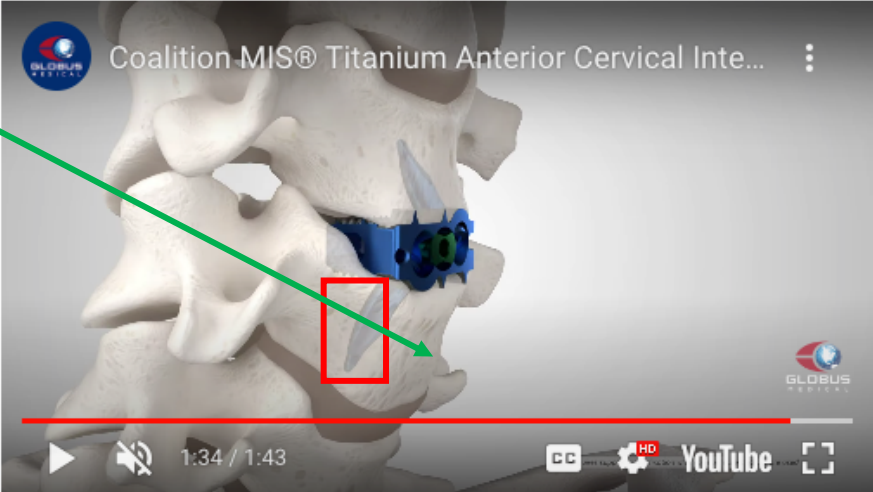


<https://www.globusmedical.com/products/coalition-mis-spacer/>

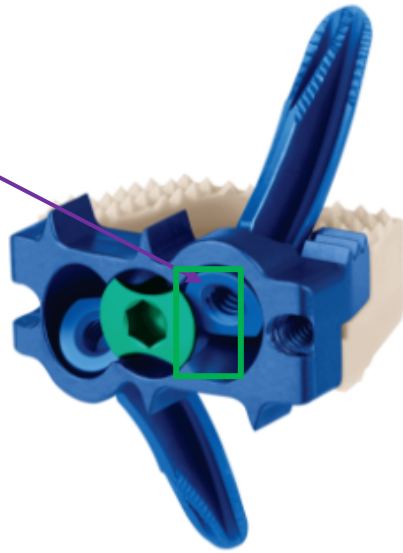


<https://www.globusmedical.com/products/coalition-mis-spacer/>



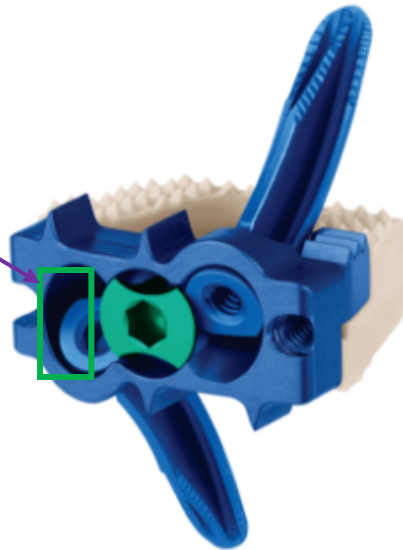
a second anchoring member configured to insert through the second curved channel and partially into the second vertebral body while a portion of the second anchoring member remains within the fusion member, in order to couple the fusion member with the second vertebral body,	https://www.globusmedical.com/products/coalition-mis-spacer/  https://www.globusmedical.com/products/coalition-mis-spacer/  https://www.globusmedical.com/products/coalition-mis-spacer/
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wherein the first curved channel has a first cross-sectional plane along a first path that is traversed by the first curved channel through the fusion member

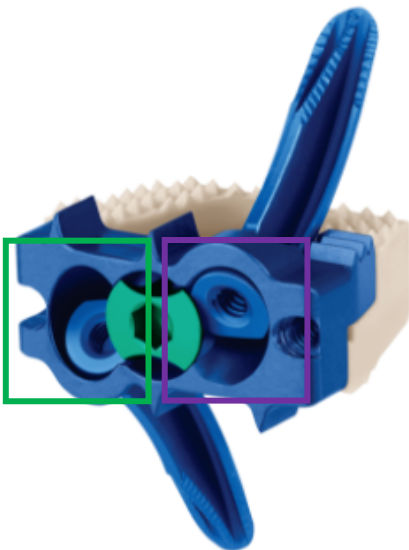
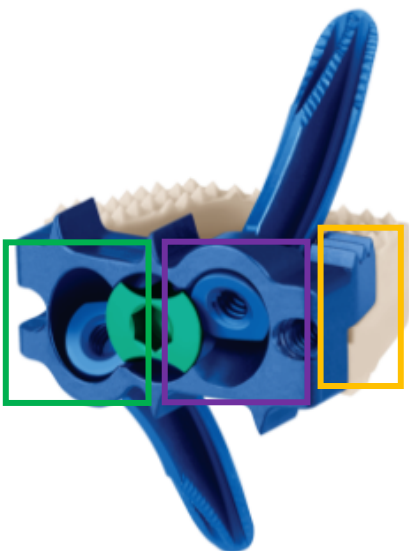


<https://www.globusmedical.com/products/coalition-mis-spacer/>

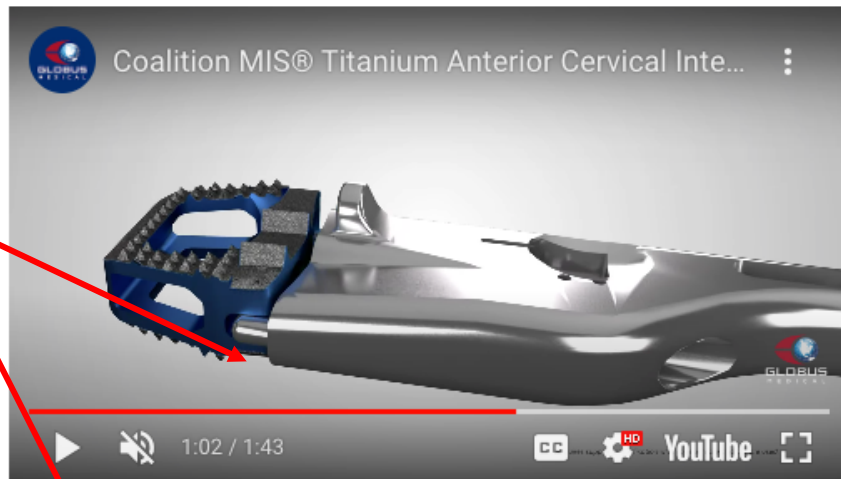
and the second curved channel has a second cross-sectional plane along a second path that is traversed by the second curved channel through the fusion member,



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

wherein the first and second cross-sectional planes are parallel to each other.	 https://www.globusmedical.com/products/coalition-mis-spacer/
2. The fusion device of claim 1, wherein the first and second cross-sectional planes are parallel to at least one surface of the fusion member.	 https://www.globusmedical.com/products/coalition-mis-spacer/

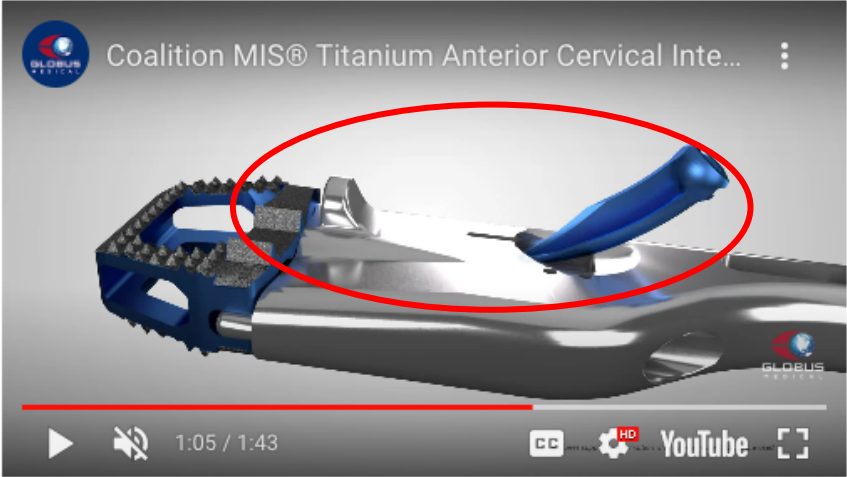
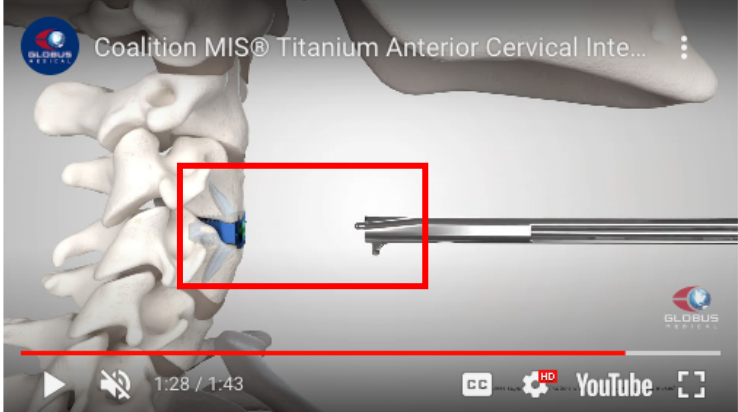
7. The fusion device of claim 1, wherein each anchoring member is configured to couple to a driving member,

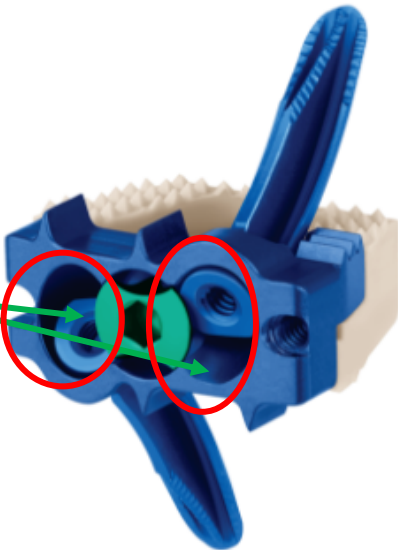
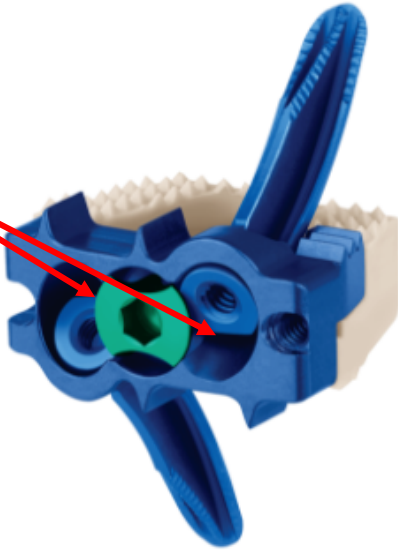


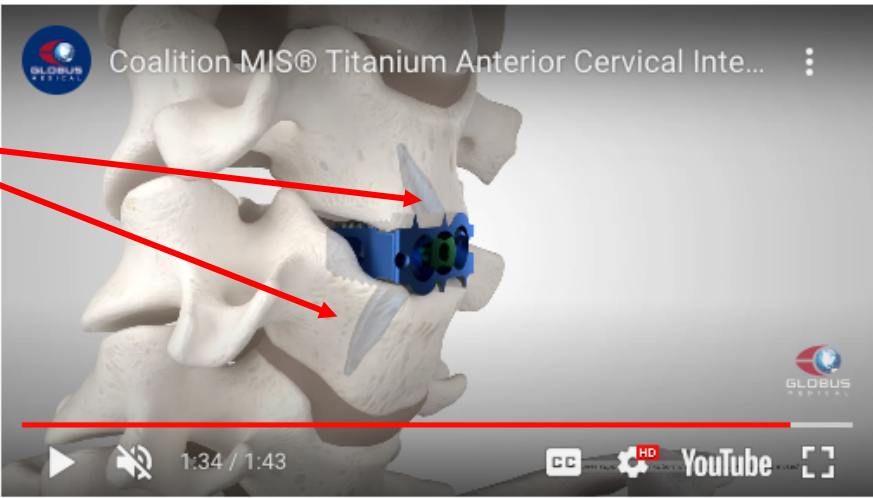
<https://www.globusmedical.com/products/coalition-mis-spacer/>



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

wherein the driving member is configured to drive the anchoring member into the corresponding vertebral body	 https://www.globusmedical.com/products/coalition-mis-spacer/
and decouple from the anchoring member.	

9. The fusion device of claim 1, wherein each channel of the fusion member has an opening on a surface of the fusion member and the opening has a recess,	 https://www.globusmedical.com/products/coalition-mis-spacer/
wherein each anchoring member has a base that fits within the recess of the channel associated with the anchoring member	 https://www.globusmedical.com/products/coalition-mis-spacer/

in order to maintain the anchoring member at least partially in the fusion member while the anchoring member is inserted into the vertebral body.	 https://www.globusmedical.com/products/coalition-mis-spacer/
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U.S. Patent No. 8,460,385
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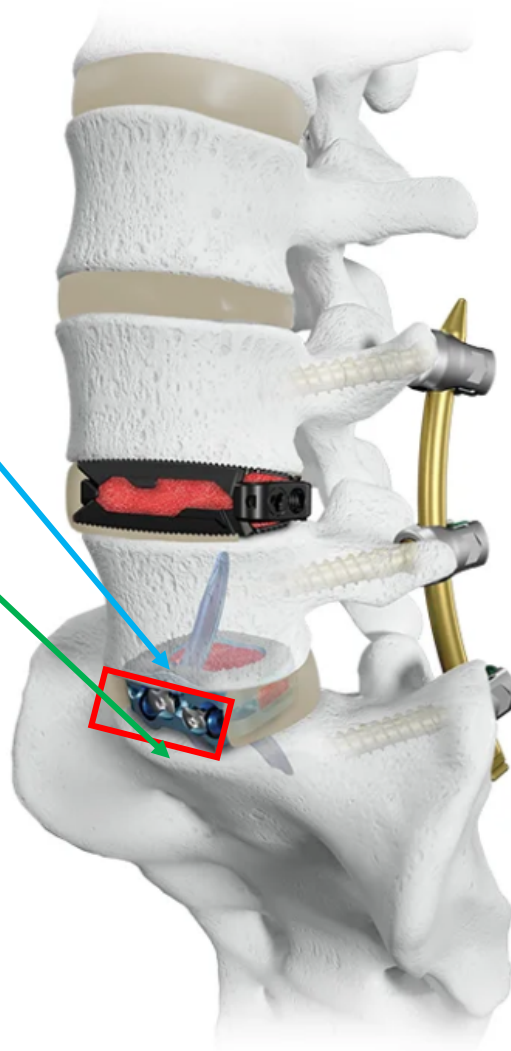
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Claim Chart - Preliminary Draft for Review Purposes Only

US 8,460,385	Globus – Corbel
1. A fusion device comprising:	Product Overview <u>CORBEL</u>[®] is an integrated plate-spacer interbody with offset MIS fixation providing access to L5-S1 with the patient in the lateral position, eliminating the need to reposition the patient during the procedure.  https://www.globusmedical.com/products/corbel-lateral-alif-interbody-spacer/

a fusion member configured to position between first and second vertebral bodies,



<https://www.globusmedical.com/products/corbel-lateral-alif-interbody-spacer/>

the fusion member comprising a first curved channel



<https://www.globusmedical.com/products/corbel-lateral-alif-interbody-spacer/>

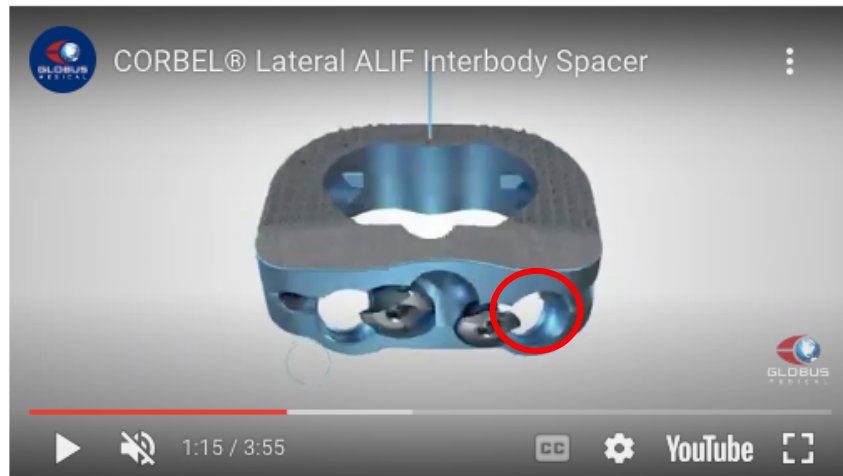


<https://www.globusmedical.com/products/corbel-lateral-alif-interbody-spacer/>

and a second
curved channel;

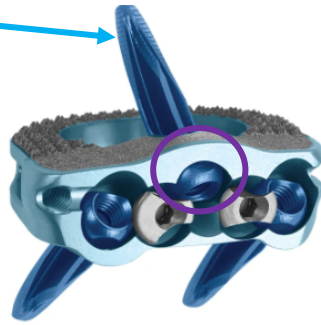


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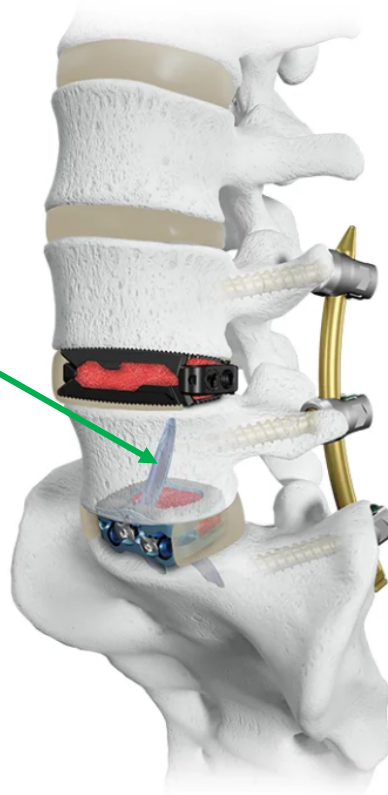


<https://www.globusmedical.com/products/corbel-lateral-alif-interbody-spacer/>

a first anchoring member configured to insert through the first curved channel and partially into the first vertebral body while a portion of the first anchoring member remains within the fusion member, in order to couple the fusion member with the first vertebral body; and

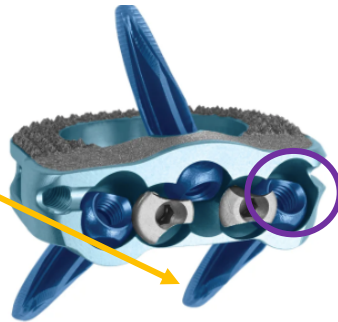


<https://www.globusmedical.com/products/corbel-lateral-alif-interbody-spacer/>

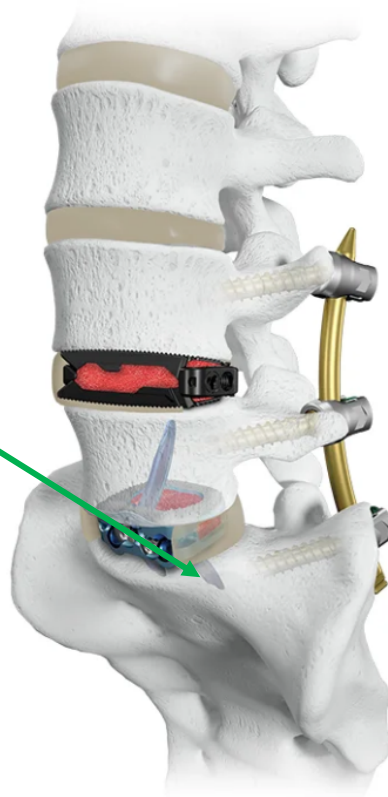


<https://www.globusmedical.com/products/corbel-lateral-alif-interbody-spacer/>

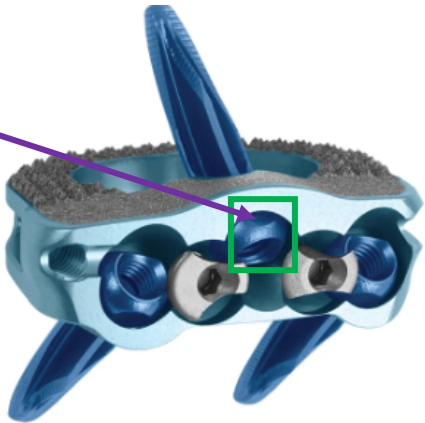
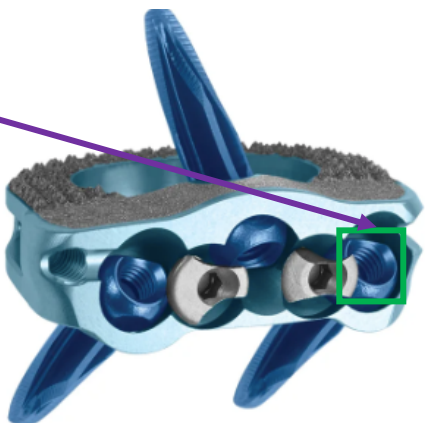
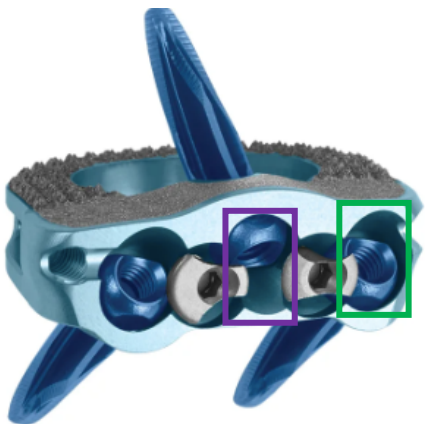
a second
anchoring
member
configured to
insert through
the second
curved channel
and partially
into the second
vertebral body
while a portion
of the second
anchoring
member
remains within
the fusion
member, in
order to couple
the fusion
member with
the second
vertebral body,



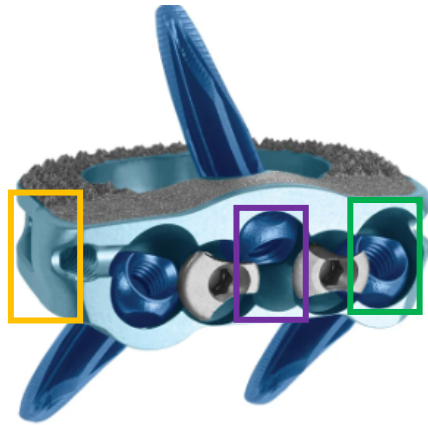
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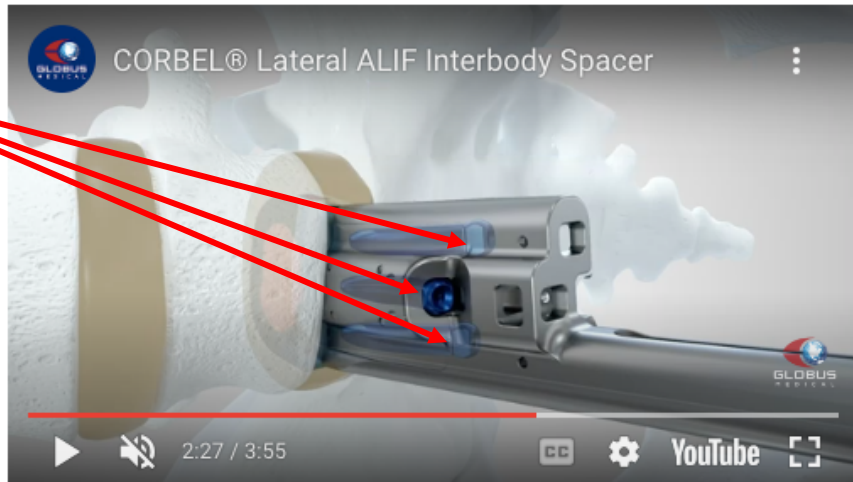
wherein the first curved channel has a first cross-sectional plane along a first path that is traversed by the first curved channel through the fusion member	 https://www.globusmedical.com/products/corbel-lateral-alif-interbody-spacer/
and the second curved channel has a second cross-sectional plane along a second path that is traversed by the second curved channel through the fusion member,	 https://www.globusmedical.com/products/corbel-lateral-alif-interbody-spacer/
wherein the first and second cross-sectional planes are parallel to each other.	 https://www.globusmedical.com/products/corbel-lateral-alif-interbody-spacer/

2. The fusion device of claim 1, wherein the first and second cross-sectional planes are parallel to at least one surface of the fusion member.

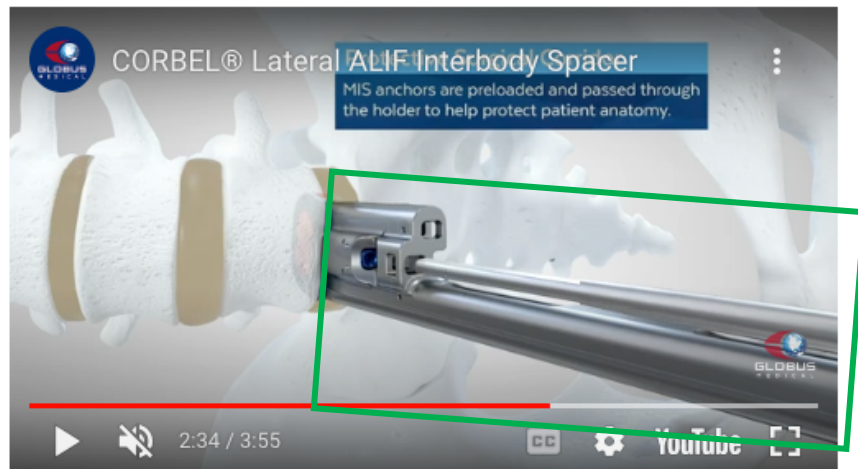


<https://www.globusmedical.com/products/corbel-lateral-alif-interbody-spacer/>

7. The fusion device of claim 1, wherein each anchoring member is configured to couple to a driving member,



<https://www.globusmedical.com/products/corbel-lateral-alif-interbody-spacer/>



<https://www.globusmedical.com/products/corbel-lateral-alif-interbody-spacer/>

wherein the driving member is configured to drive the anchoring member into the corresponding vertebral body



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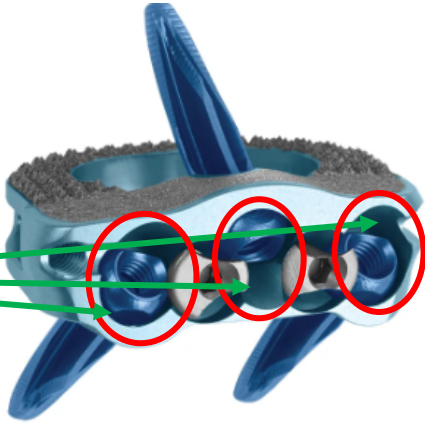


<https://www.globusmedical.com/products/corbel-lateral-alif-interbody-spacer/>

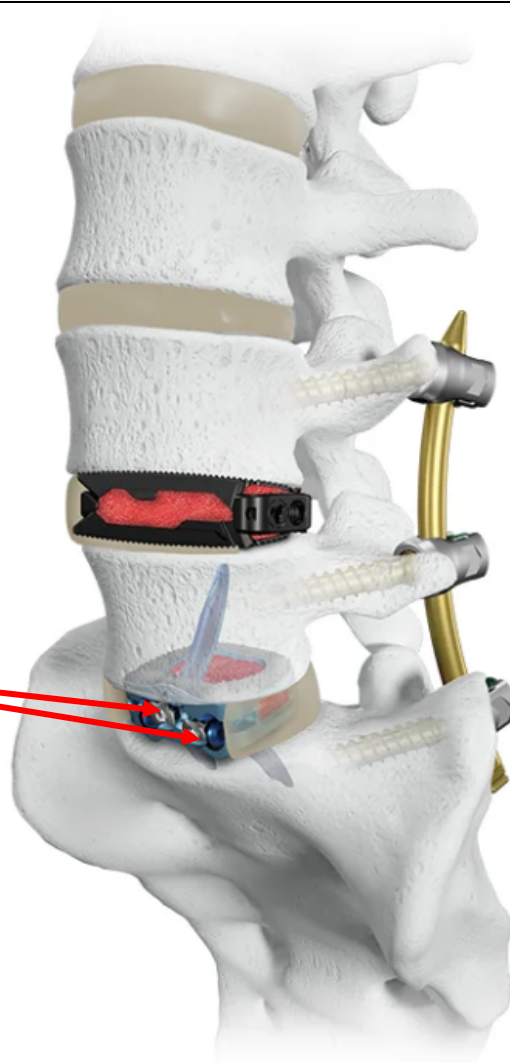
and decouple
from the
anchoring
member.



<https://www.globusmedical.com/products/corbel-lateral-alif-interbody-spacer/>

9. The fusion device of claim 1, wherein each channel of the fusion member has an opening on a surface of the fusion member and the opening has a recess,	 https://www.globusmedical.com/products/corbel-lateral-alif-interbody-spacer/

wherein each anchoring member has a base that fits within the recess of the channel associated with the anchoring member in order to maintain the anchoring member at least partially in the fusion member while the anchoring member is inserted into the vertebral body.



<https://www.globusmedical.com/products/corbel-lateral-alif-interbody-spacer/>

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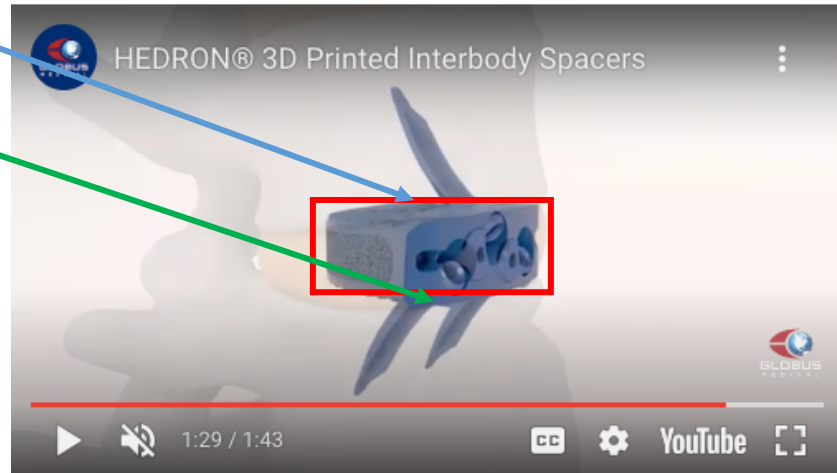
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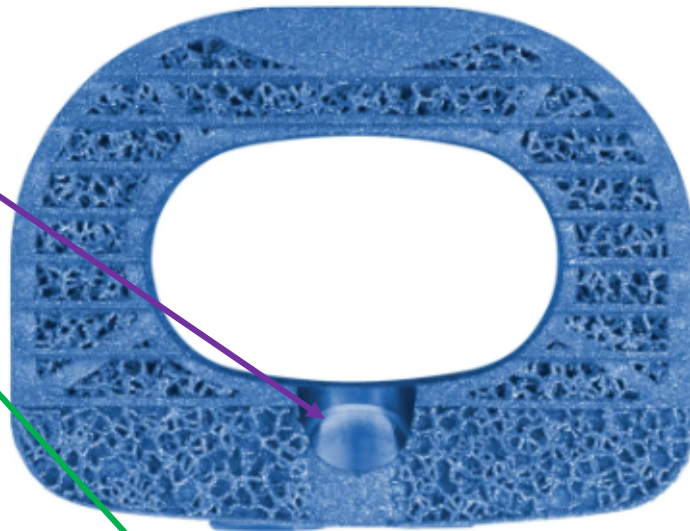
US 8,460,385	Globus – Hedron IA
1. A fusion device comprising:	Product Overview <u>HEDRON IA</u>[®] is a 3D Printed Integrated ALIF spacer that features a biomimetic porous scaffolding designed to encourage cellular response and promote bone formation onto and through the implant.  https://www.globusmedical.com/products/hedron-ia/

a fusion member
configured to
position between
first and second
vertebral bodies,

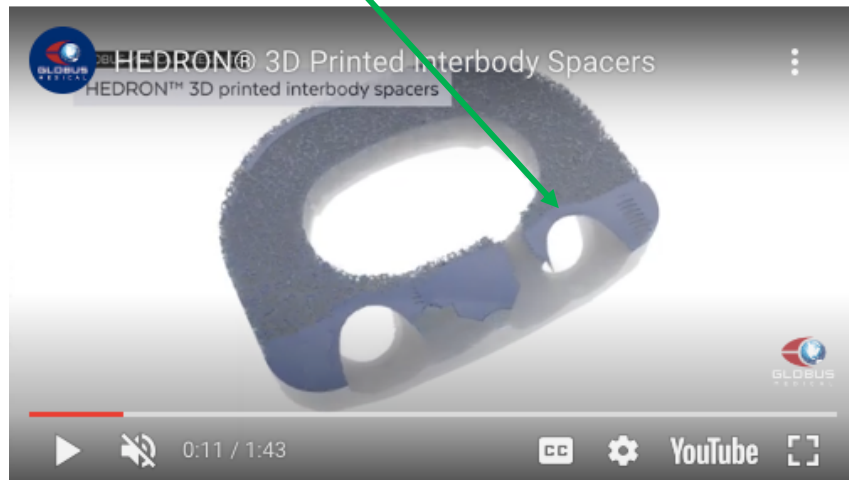


<https://www.globusmedical.com/products/hedron-ia/>

the fusion member comprising a first curved channel and a second curved channel;

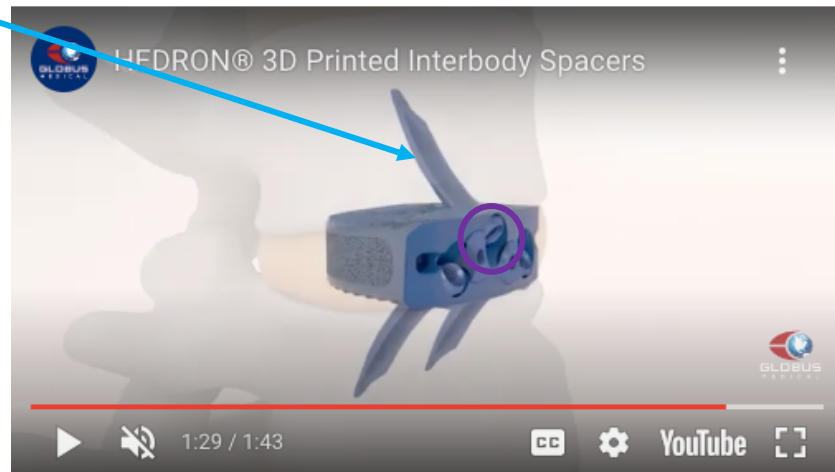


<https://www.globusmedical.com/products/hedron-ia/>



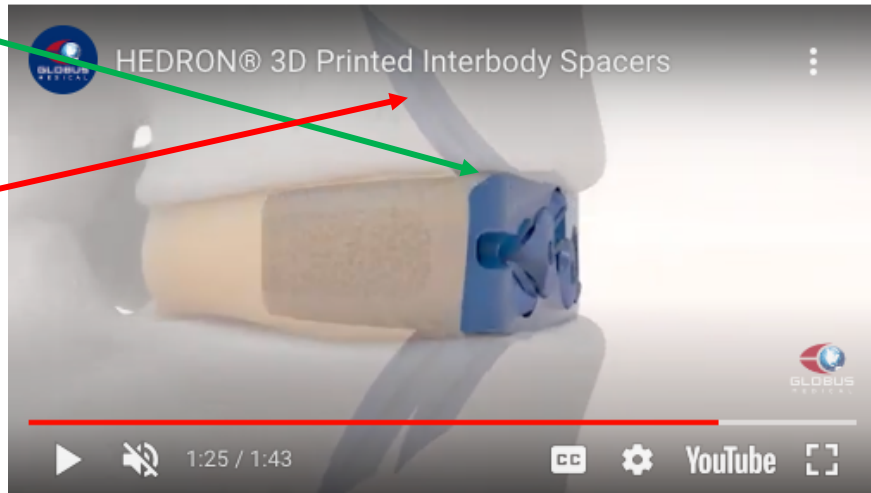
<https://www.globusmedical.com/products/hedron-ia/>

a first anchoring member configured to insert through the first curved channel



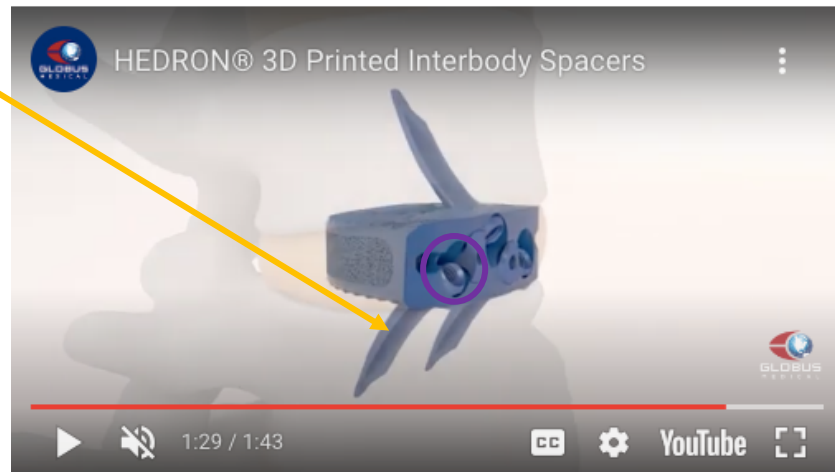
<https://www.globusmedical.com/products/hedron-ia/>

and partially into the first vertebral body while a portion of the first anchoring member remains within the fusion member, in order to couple the fusion member with the first vertebral body; and



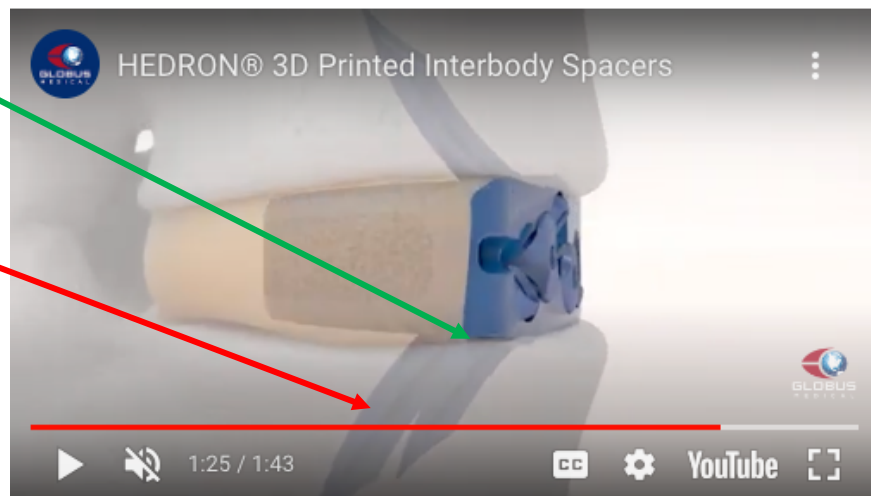
<https://www.globusmedical.com/products/hedron-ia/>

a second
anchoring
member
configured to
insert through the
second curved
channel



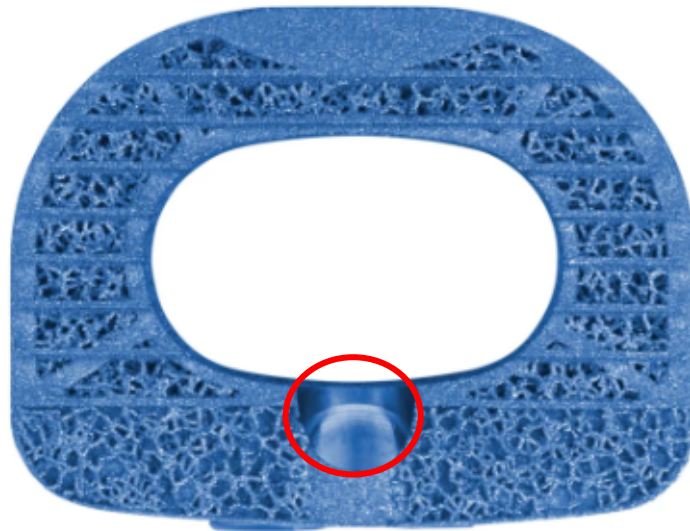
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and partially into
the second
vertebral body
while a portion of
the second
anchoring
member remains
within the fusion
member, in order
to couple the
fusion member
with the second
vertebral body,



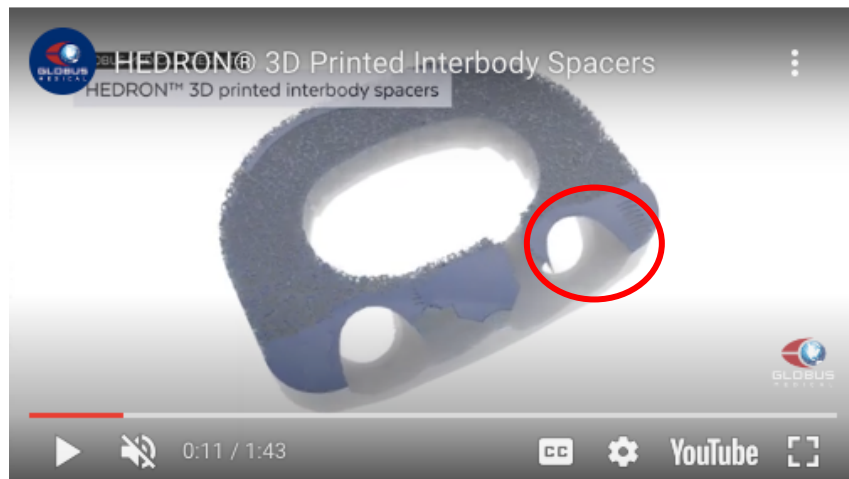
<https://www.globusmedical.com/products/hedron-ia/>

wherein the first curved channel has a first cross-sectional plane along a first path that is traversed by the first curved channel through the fusion member



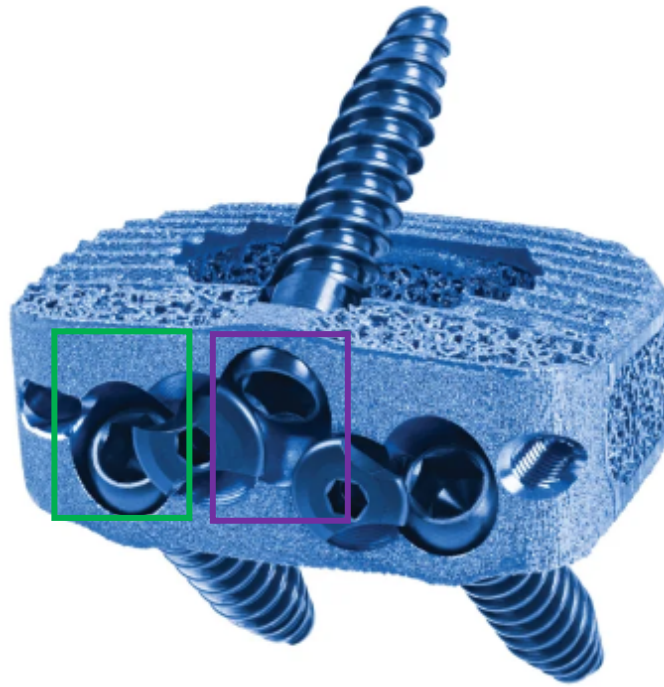
<https://www.globusmedical.com/products/hedron-ia/>

and the second curved channel has a second cross-sectional plane along a second path that is traversed by the second curved channel through the fusion member,



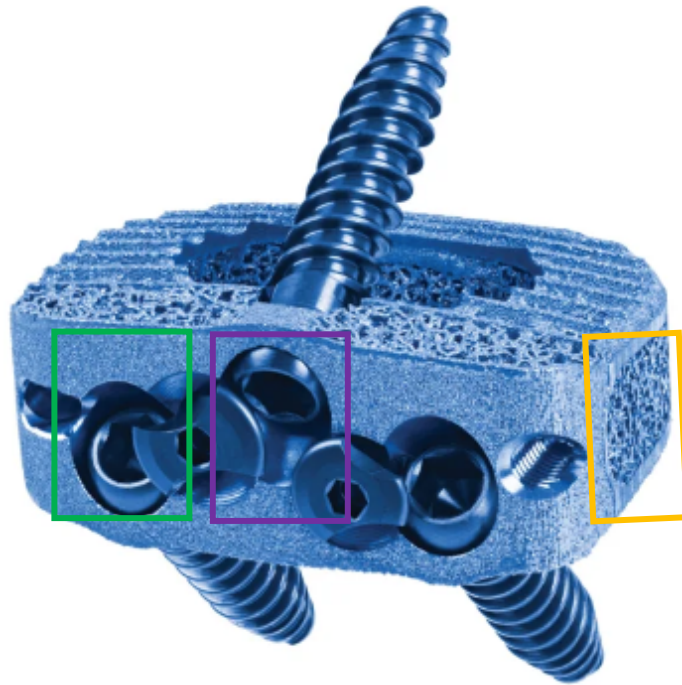
<https://www.globusmedical.com/products/hedron-ia/>

wherein the first
and second cross-
sectional planes
are parallel to
each other.



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2. The fusion device of claim 1, wherein the first and second cross-sectional planes are parallel to at least one surface of the fusion member.



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7. The fusion device of claim 1, wherein each anchoring member is configured to couple to a driving member,



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wherein the driving member is configured to drive the anchoring member into the corresponding vertebral body



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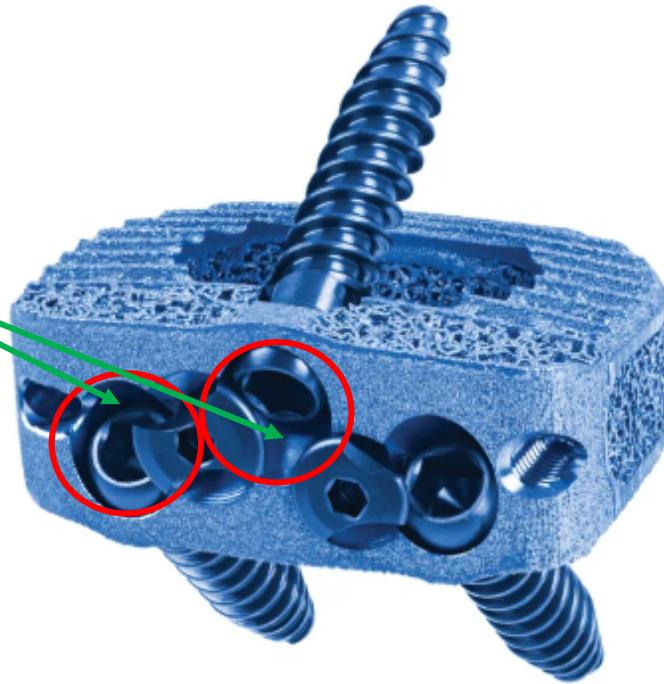
<https://www.globusmedical.com/products/hedron-ia/>

and decouple
from the
anchoring
member.



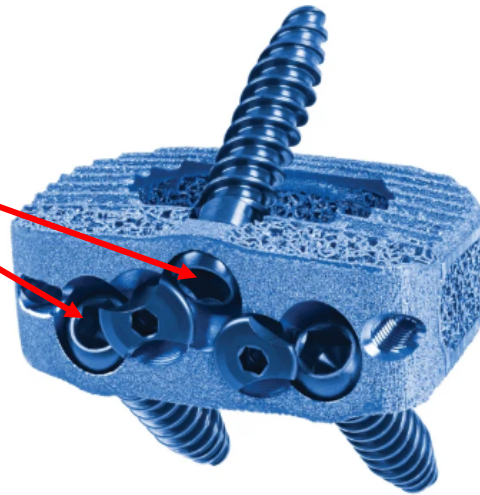
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9. The fusion device of claim 1, wherein each channel of the fusion member has an opening on a surface of the fusion member and the opening has a recess,

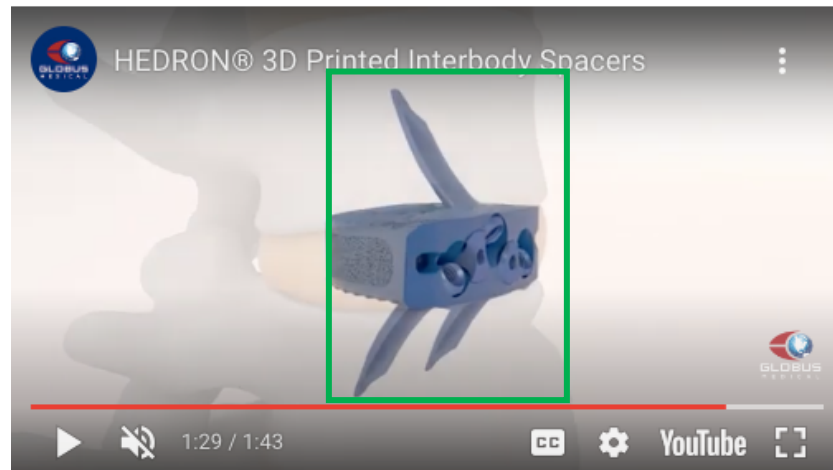


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wherein each anchoring member has a base that fits within the recess of the channel associated with the anchoring member in order to maintain the anchoring member at least partially in the fusion member while the anchoring member is inserted into the vertebral body.



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