

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.

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 '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.

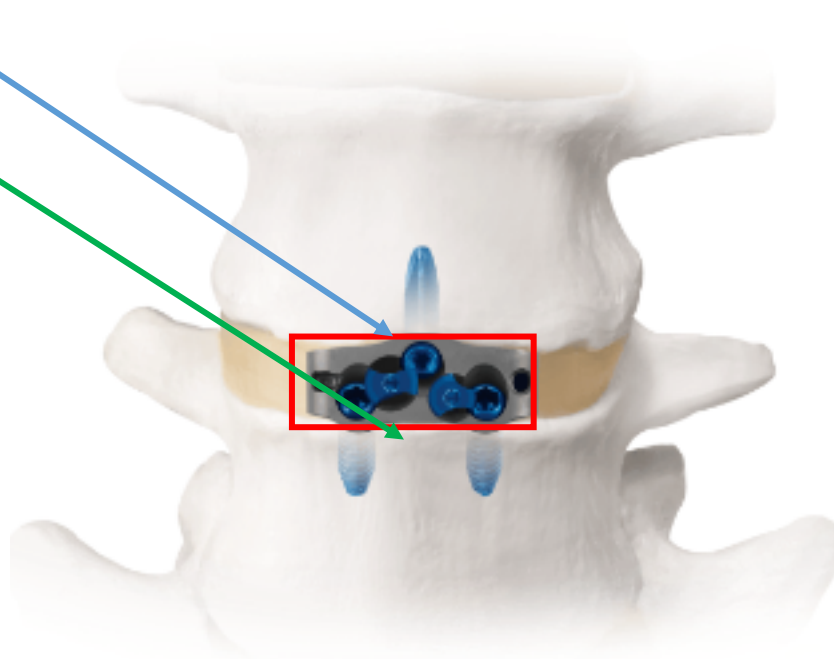
In preparing these Charts, and for the sake of completeness, Plaintiff has included the preambles for each Asserted Claim. In so doing, Plaintiff does not contend that such preambles are in any way limiting on any Asserted Claim.

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

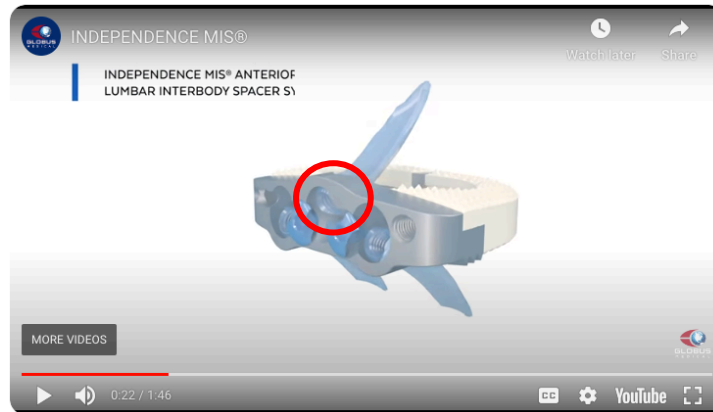
US 8,460,385	Globus – Independence MIS
1. A fusion device comprising:	<div data-bbox="511 464 948 518" data-label="Section-Header"><h2>Product Overview</h2></div> <div data-bbox="511 554 1362 739" data-label="Text"><p><u>INDEPENDENCE MIS</u>[®] is an integrated lumbar interbody spacer designed to deliver screw or anchor fixation in fewer procedural steps through a less invasive surgical corridor than traditional integrated spacers.</p></div> <div data-bbox="664 787 1211 1329" data-label="Image"></div> <div data-bbox="508 1394 1364 1430" data-label="Text"><p>https://www.globusmedical.com/products/independence-mis-spacer/</p></div>

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



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

the fusion member comprising a first curved channel



<https://www.google.com/...PEIM,st:0>

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.

INDEPENDENCE MIS® Integrated Lumbar Plate-Spacer

9326861; 9980824; 10478311; 11065128

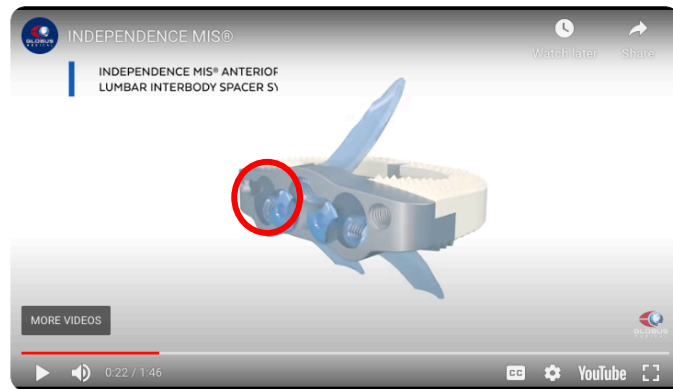
<https://www.globusmedical.com/musculoskeletal-solutions/patents/>

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;



<https://www.google.com/...PEIM,st:0>

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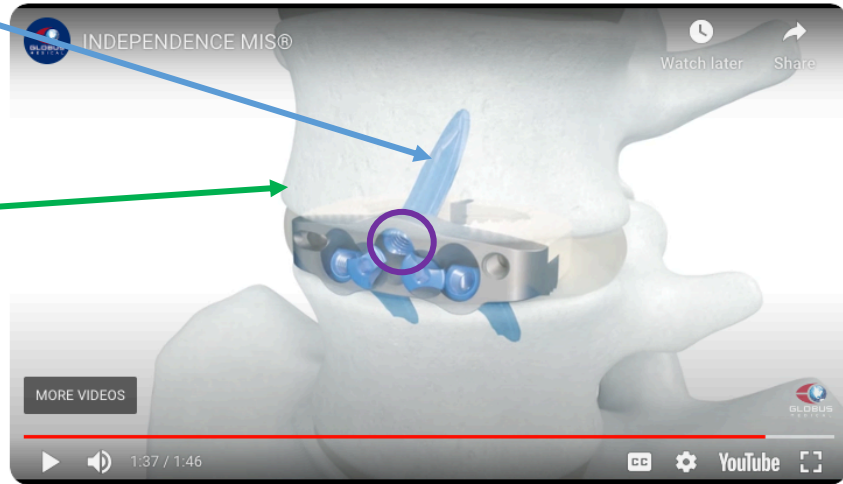
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From 9,980,824:

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).

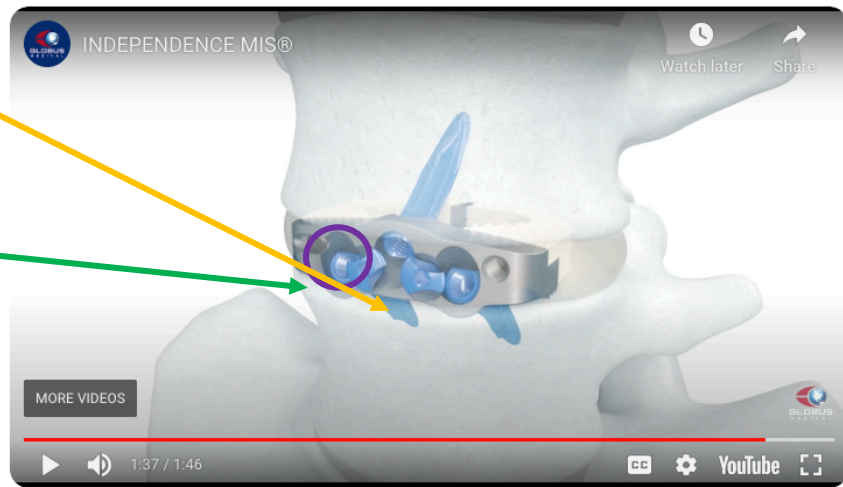
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a first anchoring member configured to insert through the first curved channel and partially into the first vertebral body while a portion of the first anchoring member remains within the fusion member, in order to couple the fusion member with the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



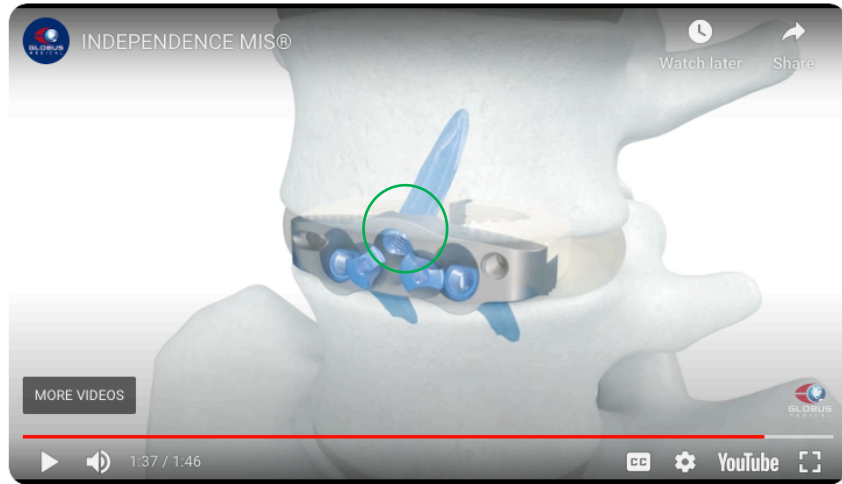
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a second
anchoring
member
configured to
insert through the
second curved
channel and
partially into the
second vertebral
body while a
portion of the
second anchoring
member remains
within the fusion
member, in order
to couple the
fusion member
with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



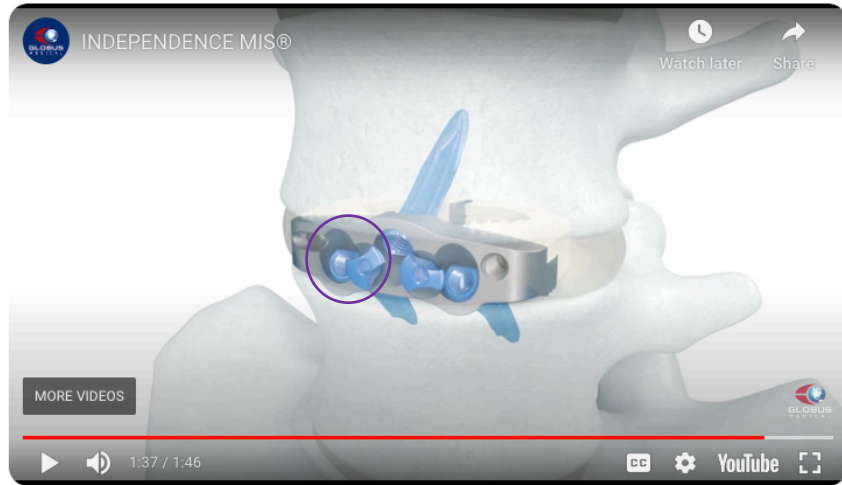
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wherein the first curved channel has a first cross-sectional plane along a first path that is traversed by the first curved channel through the fusion member



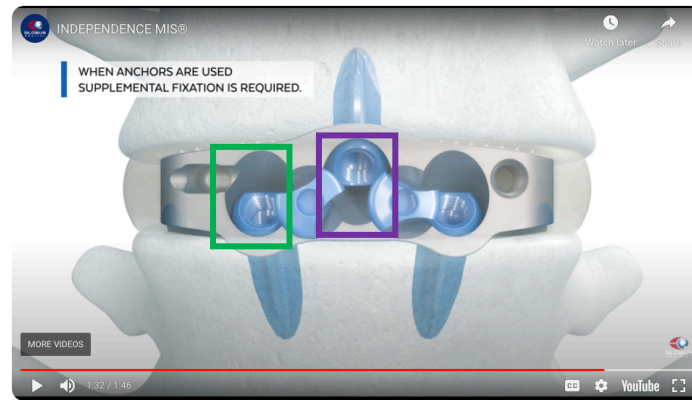
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and the second curved channel has a second cross-sectional plane along a second path that is traversed by the second curved channel through the fusion member,



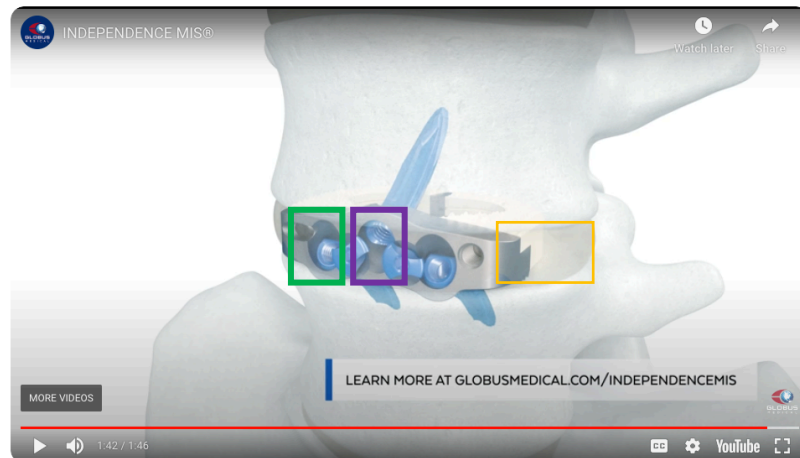
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wherein the first and second cross-sectional planes are parallel to each other.



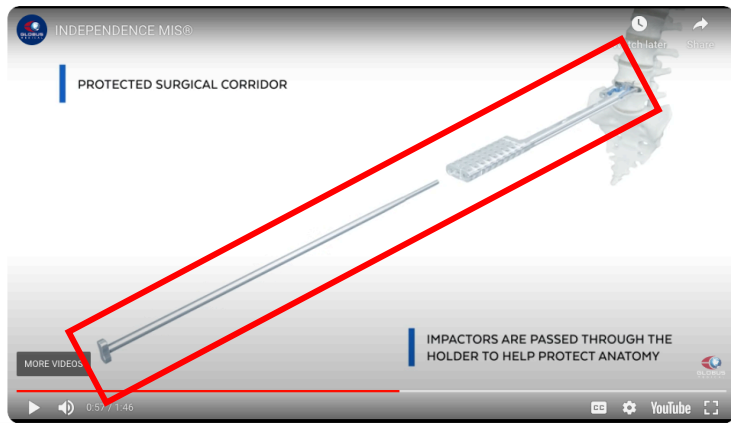
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2. The fusion device of claim 1, wherein the first and second cross-sectional planes are parallel to at least one surface of the fusion member.

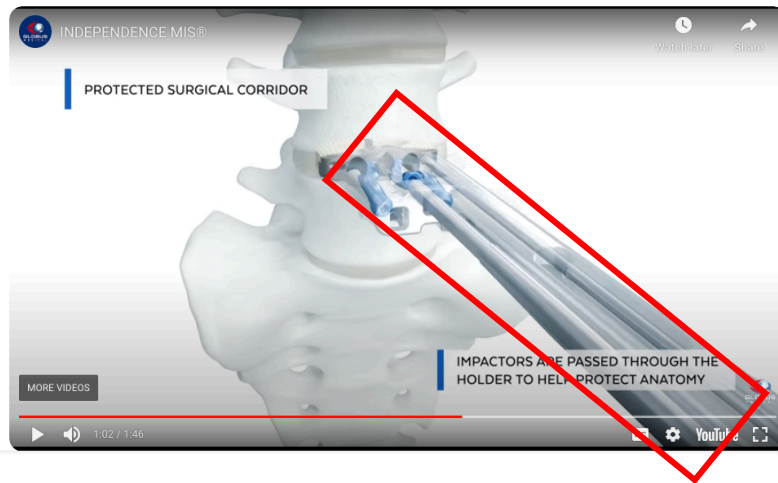


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7. The fusion device of claim 1, wherein each anchoring member is configured to couple to a driving member,

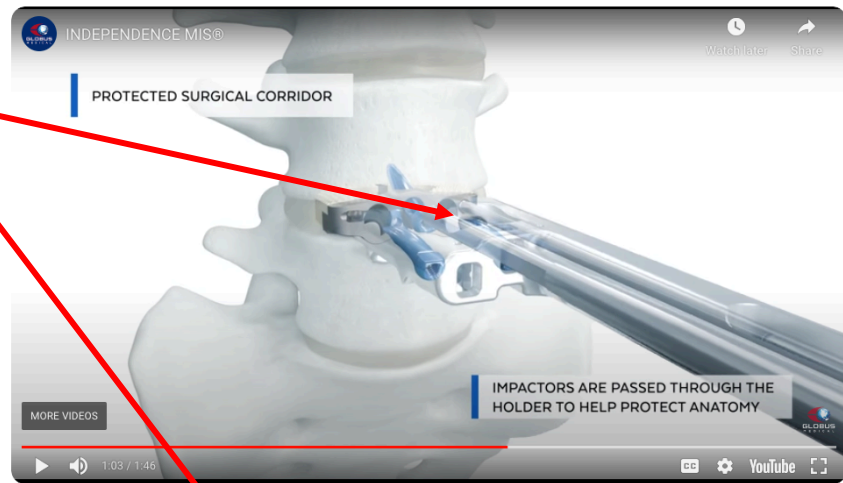


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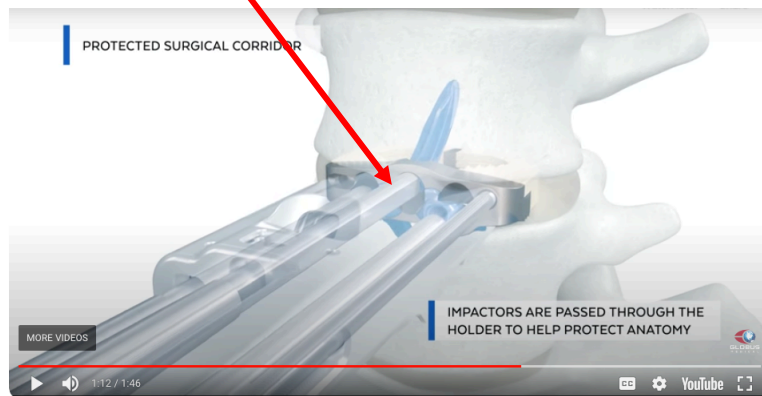


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wherein the driving member is configured to drive the anchoring member into the corresponding vertebral body

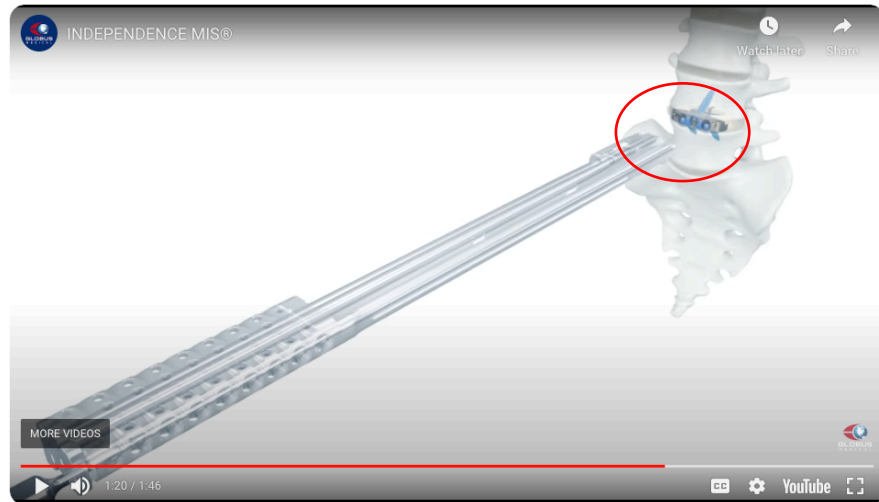


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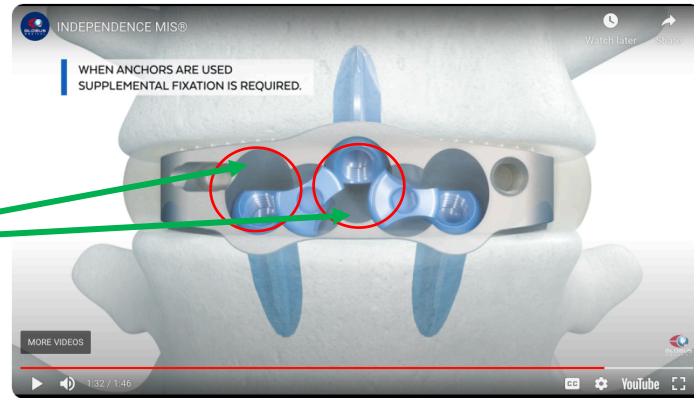
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and decouple
from the
anchoring
member.



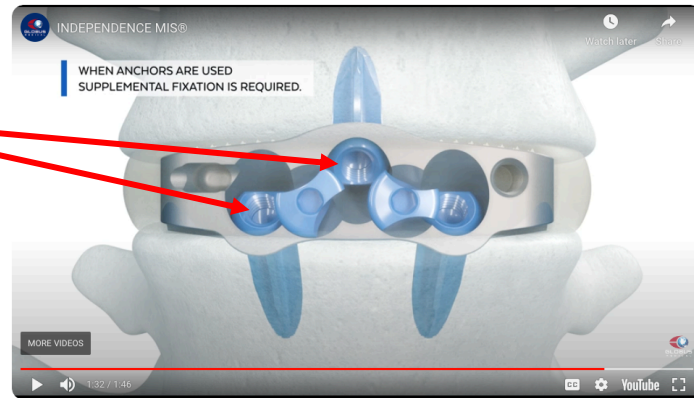
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9. The fusion device of claim 1, wherein each channel of the fusion member has an opening on a surface of the fusion member and the opening has a recess,



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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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