

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.

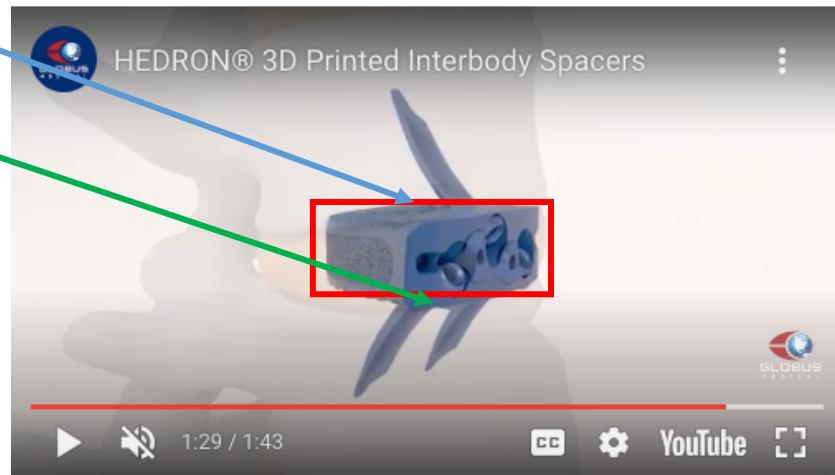
In preparing these Charts, and for the sake of completeness, Plaintiff has included the preambles for each Asserted Claim. In so doing, Plaintiff does not contend that such preambles are in any way limiting on any Asserted Claim.

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

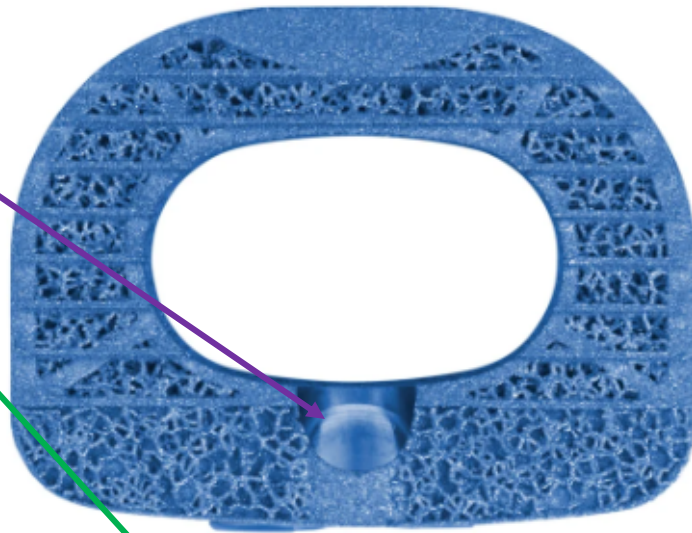
US 8,460,385	Globus – Hedron IA
1. A fusion device comprising:	<div data-bbox="500 464 938 518" data-label="Section-Header"><h2>Product Overview</h2></div> <div data-bbox="500 554 1383 693" data-label="Text"><p><u>HEDRON IA</u>[®] is a 3D Printed Integrated ALIF spacer that features a biomimetic porous scaffolding designed to encourage cellular response and promote bone formation onto and through the implant.</p></div> <div data-bbox="651 800 1211 1367" data-label="Image">A 3D printed blue ALIF spacer with a porous scaffolding structure. It features a central threaded rod and four side-mounted screws. The device is shown within a red rectangular border.</div> <div data-bbox="604 1375 1263 1411" data-label="Text"><p>https://www.globusmedical.com/products/hedron-ia/</p></div>

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

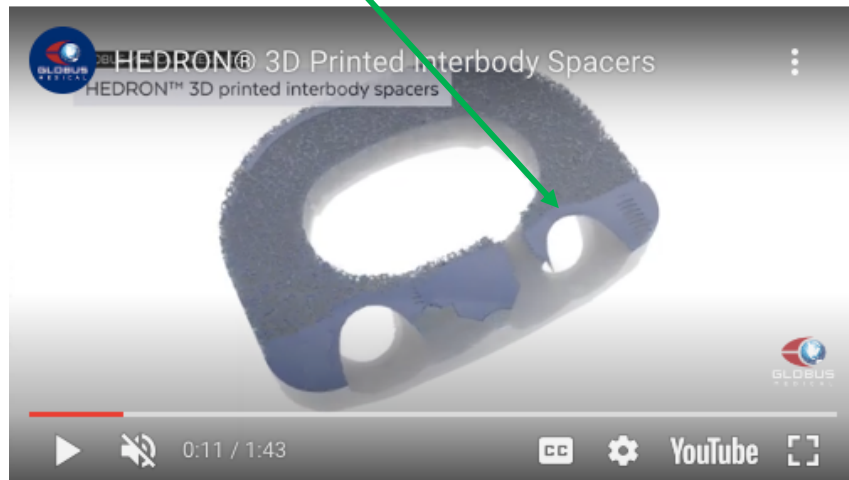


<https://www.globusmedical.com/products/hedron-ia/>

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

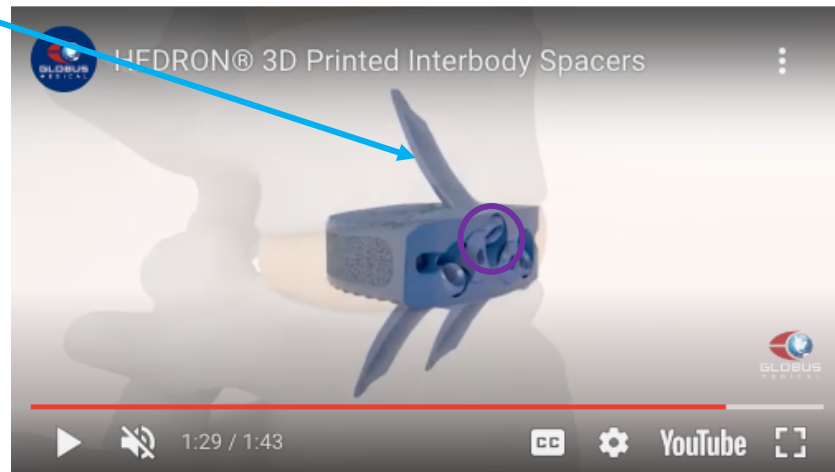


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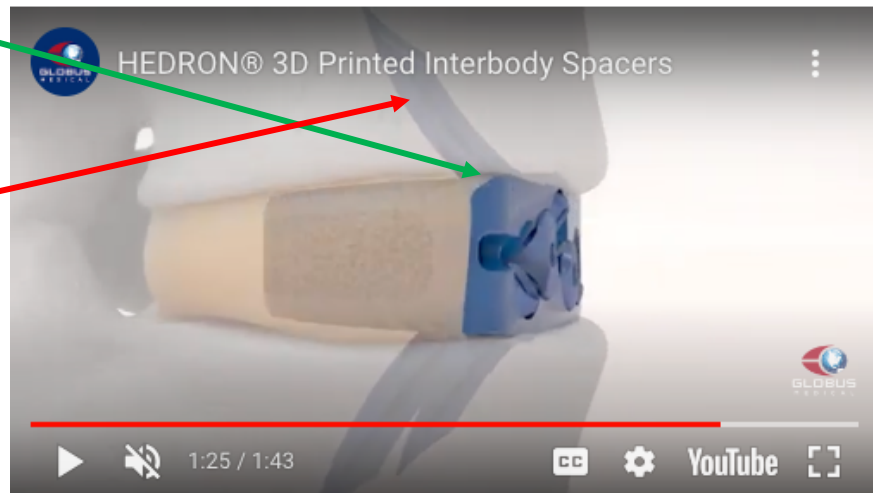
<https://www.globusmedical.com/products/hedron-ia/>

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



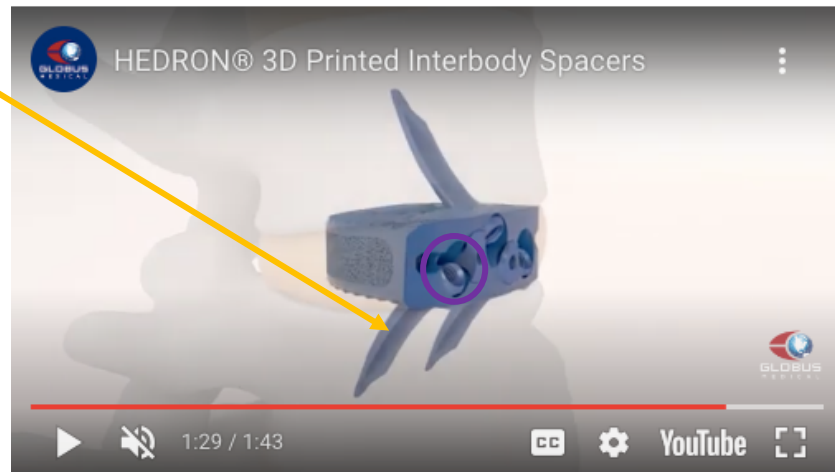
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and partially into the first vertebral body while a portion of the first anchoring member remains within the fusion member, in order to couple the fusion member with the first vertebral body; and



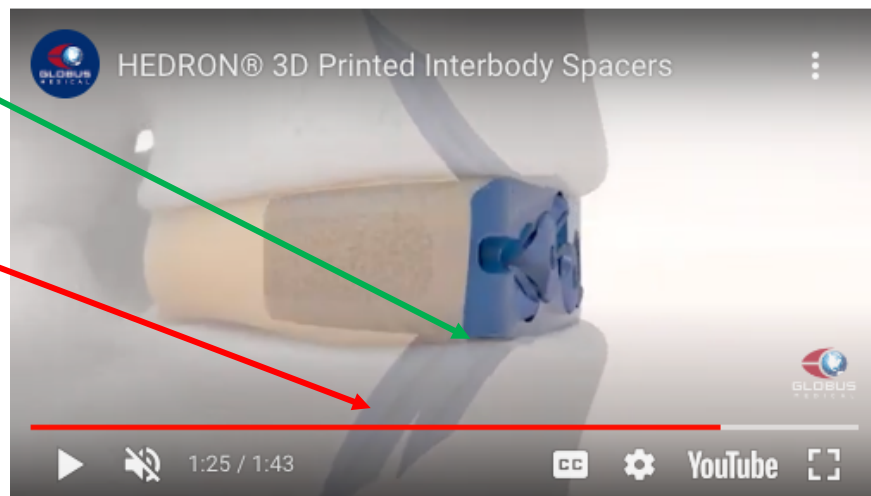
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a second
anchoring
member
configured to
insert through the
second curved
channel



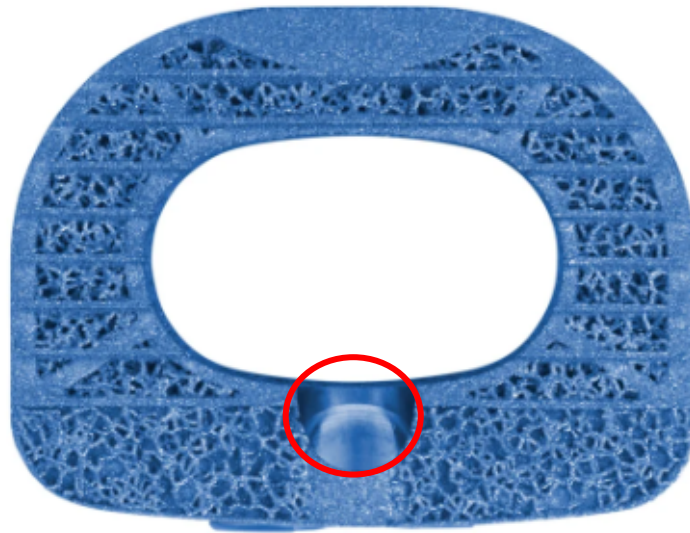
<https://www.globusmedical.com/products/hedron-ia/>

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,



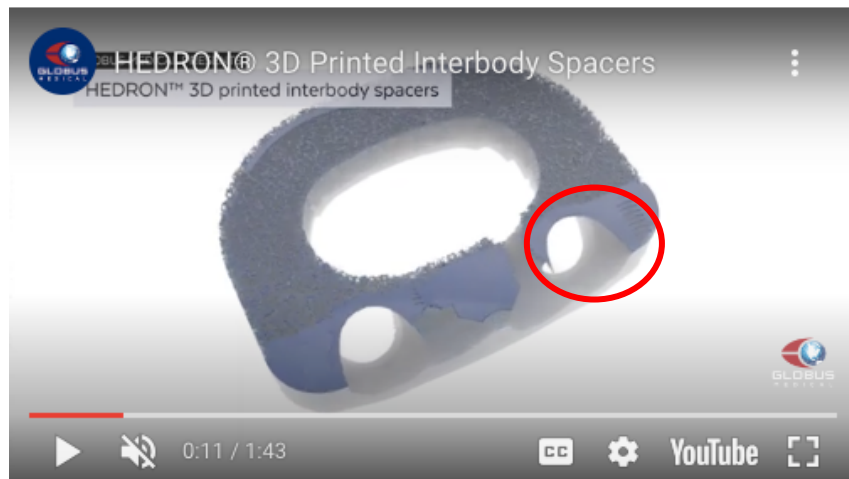
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wherein the first curved channel has a first cross-sectional plane along a first path that is traversed by the first curved channel through the fusion member



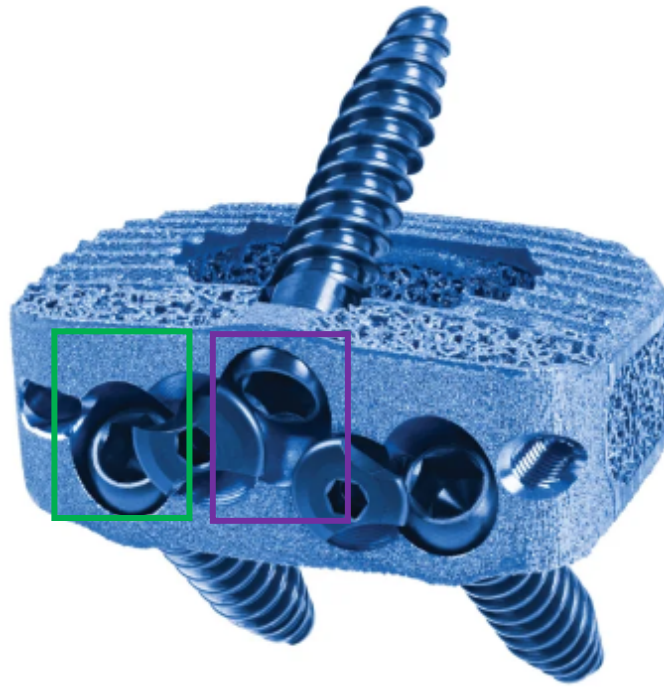
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and the second curved channel has a second cross-sectional plane along a second path that is traversed by the second curved channel through the fusion member,



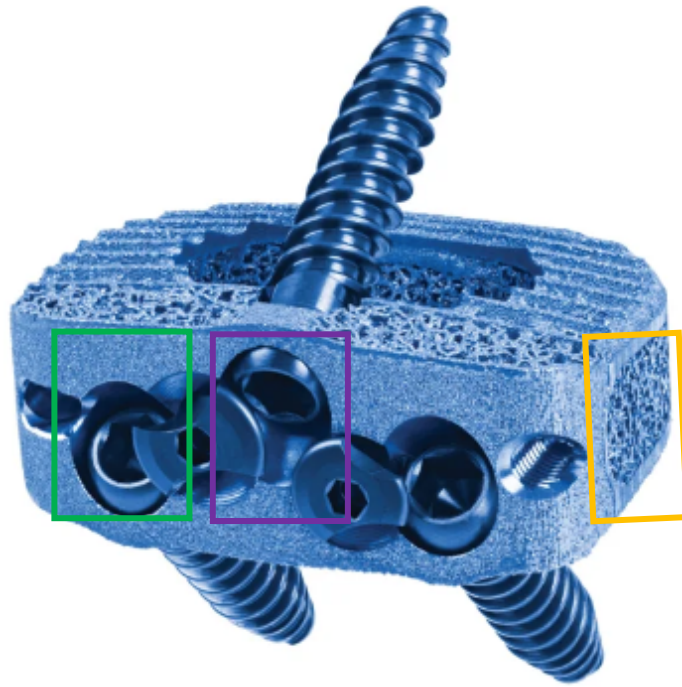
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wherein the first
and second cross-
sectional planes
are parallel to
each other.



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



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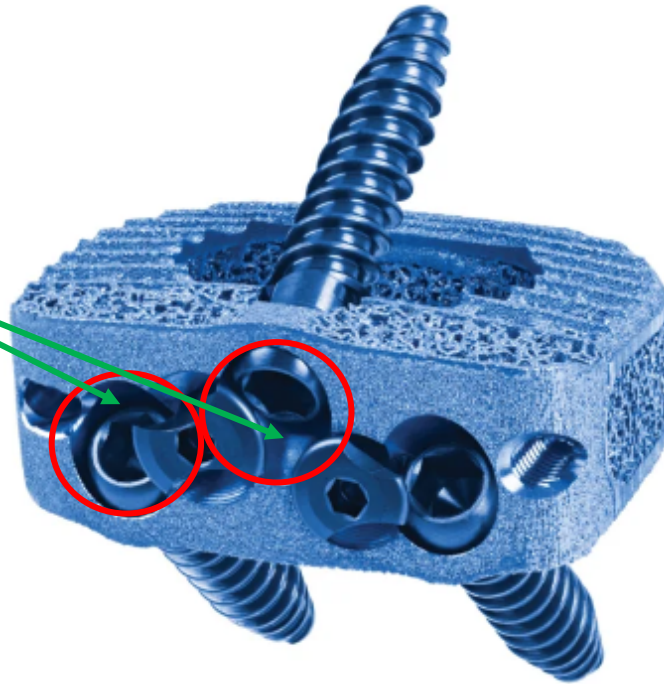
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and decouple
from the
anchoring
member.



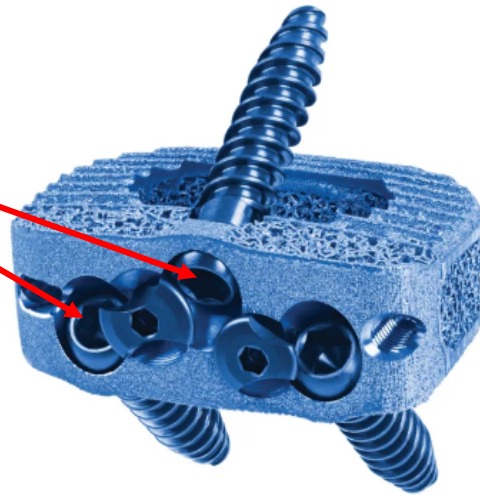
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9. The fusion device of claim 1, wherein each channel of the fusion member has an opening on a surface of the fusion member and the opening has a recess,

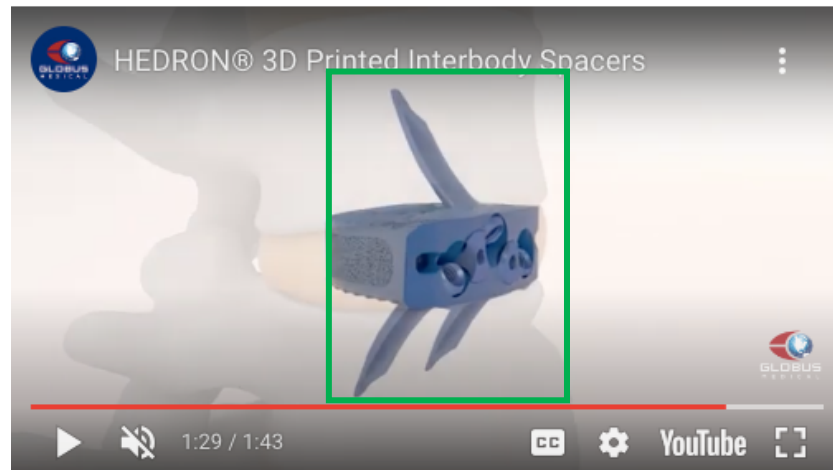


<https://www.globusmedical.com/products/hedron-ia/>

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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