

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

MOSKOWITZ FAMILY LLC,

Plaintiff,

v.

MEDTRONIC, INC.,
MEDTRONIC SOFAMOR DANEK,
INC., MEDTRONIC SOFAMOR
DANEK USA, INC., WARSAW
ORTHOPEDIC, INC., and TITAN SPINE,
INC.,

Defendants.

Case No. 25-cv-00769 PJS/DLM

**JOINT STIPULATION FOR
STAY OF LITIGATION**

Plaintiff Moskowitz Family LLC (“Plaintiff”) and Defendants Medtronic, Inc.; Medtronic Sofamor Danek, Inc.; Medtronic Sofamor Danek USA, Inc.; Warsaw Orthopedic, Inc.; and Titan Spine, Inc. (collectively, “Defendants” or “Medtronic”), through their undersigned counsel, stipulate and agree as follows:

WHEREAS, on February 28, 2025, Plaintiff filed a Complaint for Patent Infringement alleging infringement of U.S. Patent No. 9,005,293 (“the ’293 patent”), U.S. Patent No. 9,907,674 (“the ’674 patent”), U.S. Patent No. 10,016,284 (“the ’284 patent”), U.S. Patent No. 10,064,738 (“the ’738 patent”), U.S. Patent No. 10,238,505 (“the ’505 patent”), U.S. Patent No. 10,426,633 (“the ’633 patent”), U.S. Patent No. 10,603,183 (“the ’183 patent”), U.S. Patent No. 11,096,797 (“the ’797 patent”), U.S. Patent No. 11,376,136 (“the ’136 patent”), U.S. Patent No. 11,864,755 (“the ’755 patent”), and U.S. Patent No. 12,011,367 (“the ’367 patent”), ECF No. 1;

WHEREAS, on January 29, 2026, Plaintiff filed a Second Amended Complaint for Patent Infringement, further alleging infringement of U.S. Patent No. 12,491,088 (“the ’088 patent,” collectively, with the ’293, ’674, ’284, ’738, ’505, ’633, ’183, ’797, ’136, ’755, and ’367 patents, the “Asserted Patents”), ECF No. 48;

WHEREAS, Medtronic has filed *inter partes* review (“IPR”) petitions challenging the validity of the ’293, ’284, ’738, ’633, ’183, ’797, ’136, ’755, and ’367 patents before the Patent Trial & Appeal Board (“PTAB”) of the U.S. Patent & Trademark Office, those IPRs bearing numbers IPR2025-01598, IPR2026-00121, IPR2026-00124, IPR2026-00163, IPR2026-00162, IPR2026-00216, IPR2026-00217, IPR2026-00265, and IPR2026-00285 (collectively, the “Filed IPRs”), and may further file an IPR petition challenging the validity of the ’088 patent;

WHEREAS, on February 20, 2026, Medtronic filed a motion to stay this litigation pending IPR, ECF No. 59;

WHEREAS, on February 27, 2026, Plaintiff filed an opposition to Medtronic’s stay motion, ECF No. 65;

WHEREAS, on March 6, 2026, the Court denied the stay motion “without prejudice to the parties’ ability to renew the motion to stay proceedings should the Patent Trial and Appeal Board (‘PTAB’) decide to institute review on one or more of Defendants’ [IPR] petitions or any other important reason the parties believe necessitates a renewed motion to stay,” ECF No. 68;

WHEREAS, as of June 12, 2026, the Director of the U.S. Patent & Trademark Office has instituted five of Medtronic’s IPR petitions challenging certain Asserted Patents

(the “Instituted IPRs”), has declined to discretionarily deny institution as to two additional IPR petitions, and referred those two petitions for review of merits and non-discretionary considerations;

WHEREAS, discovery is not complete, the Court has not set a trial date, and in view of the parties’ agreement and the current posture of the IPR proceedings, the parties agree that a stay is appropriate and may conserve party and judicial resources,

BASED ON THE RECITALS ABOVE, Plaintiff and Defendants hereby stipulate and agree as follows, subject to the Court’s approval:

1. The above-captioned action and all activities relating thereto—including but not limited to discovery by and from the parties and all pending deadlines in ECF Nos. 36 and 44—should be stayed pending the PTAB’s issuance of final written decisions or other terminating decisions in the Filed IPRs;

2. Within 30 days following the PTAB’s issuance of final written decisions or other terminating decisions in the Filed IPRs, the parties shall file a joint status report informing the Court of the resolution of those proceedings, their respective positions as to whether the stay should be continued or lifted, and, if appropriate, an amended proposed case management schedule;

3. The parties agree that Plaintiff’s claim in this action that Medtronic infringes claim 43 of the ’293 patent should be dismissed with prejudice. The parties further agree that Defendants’ counterclaim for declaratory judgment of invalidity of the ’293 patent should be dismissed without prejudice only to the extent directed to claim 43 of the ’293

patent. All other claims, counterclaims, defenses, contentions, and remedies in this action remain pending and are stayed as set forth herein;

4. The parties agree that Plaintiff shall execute a covenant not to sue with respect to claim 43 of the '293 patent, and they will jointly seek termination of IPR2025-01598, which challenges claim 43 of the '293 patent, promptly after execution of this Stipulation and the covenant not to sue;

5. Plaintiff's agreement to this stay does not waive, limit, reduce, toll, offset, or otherwise affect Plaintiff's right to seek prejudgment interest for any period, including the period of the stay, and Defendants shall not argue that Plaintiff's agreement to this stay bars, limits, reduces, tolls, offsets, or otherwise affects any claim for prejudgment interest; and

6. This Stipulation is entered as a compromise and does not constitute an admission by any party.

The parties respectfully request that the Court enter the accompanying Proposed Order staying this action and dismissing Plaintiff's claim in this action that Medtronic infringes claim 43 of the '293 patent with prejudice, dismissing Defendants' counterclaim for declaratory judgment of invalidity of the '293 patent without prejudice only to the extent directed to claim 43 of the '293 patent, and directing the parties to file a joint status report after the PTAB issues the final written decisions or other terminating decisions in the Filed IPRs.

Dated: June 12, 2026

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Dated: June 12, 2026

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