

Filed: April 6, 2026

On behalf of **Petitioner Paragon 28, Inc.**

By: Ali S. Razai (Reg. No. 60,771)
Benjamin J. Everton (Reg. No. 60,659)
Jacob L. Peterson (Reg. No. 65,096)
Zachary B. Messick (Reg. No. 77,839)
MORGAN, LEWIS & BOCKIUS LLP
600 Anton Blvd., Ste. 1800
Costa Mesa, CA 92626
Tel.: (714) 830-0600
Email: MLB-P28-PGR-428@morganlewis.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PARAGON 28, INC.,

Petitioner,

v.

TREACE MEDICAL CONCEPTS, INC.,

Patent Owner.

Case No. PGR2026-00020

U.S. Patent No. 12,268,428

**PETITIONER'S RESPONSE TO PATENT OWNER'S
REQUEST FOR DISCRETIONARY DENIAL**

TABLE OF CONTENTS

	Page No.
I. INTRODUCTION	1
II. PATENT OWNER’S § 324(A) ARGUMENTS FAIL	2
A. The <i>Fintiv</i> Factors Weigh in Favor of Institution	2
1. A Stay in the District Court Is Likely	2
2. There Is No Trial Date	3
3. Minimal Investment by the Parties	3
4. Issue Overlap.....	4
5. The Parties are the Same.....	5
B. There are No Settled Expectations.....	5
1. PGRs are Preferred.....	5
2. The Relevant Period is How Long the Challenged Claims Have Been in Force—Not the Earliest Publication in the Family	6
3. A Double-Patenting Rejection Does Not Establish Settled Expectations.....	8
4. Any Overlap with the ’590 Patent Claims Does Not Transfer Settled Expectations	9
5. Notice Does Not Support Settled Expectations.....	10
6. PO has Not Shown Substantial Reliance Giving Rise to Strong Settled Expectations.....	11
C. The Prosecution Record Reflects Material Examination Error.....	12

TABLE OF CONTENTS
(*cont'd*)

	Page No.
D. Petitioner Manufactures the Accused Products in the United States.....	14

TABLE OF AUTHORITIES

	Page(s)
CASES	
<i>Amgen Inc. v. Bristol-Myers Squibb Co.</i> , IPR2025-00601 (July 24, 2025)	7, 11, 12
<i>Apple Inc. v. Apex Beam Techs. LLC</i> , IPR2025-00896 (P.T.A.B. September 3, 2025).....	6
<i>Apple Inc. v. Ferid Allani</i> , IPR2025-00857 (P.T.A.B. September 5, 2025).....	11
<i>Cambridge Indus. USA, Inc. v. Applied Optoelectronics, Inc.</i> , IPR2025-00434 (P.T.A.B. June 26, 2025)	6
<i>Dabico Airport Sols. Inc. v. AXA Power ApS</i> , IPR2025-00408 (P.T.A.B. June 18, 2025)	7, 10, 12
<i>Embodly, Inc. v. Lifenet Health</i> , IPR2025-00248 (P.T.A.B. June 26, 2025)	7
<i>Multi-Color Corp. v. Brook & Whittle Ltd.</i> , PGR2025-00025 (P.T.A.B. July 16, 2025).....	5
RULES	
Rule 16	2, 3
Rule 26(f)	3, 4

LIST OF EXHIBITS

Exhibit No.	Description
1001	U.S. Patent No. 12,268,428 to Bays et al. (“the ’428 patent”)
1002	File History of U.S. Patent Application No. 18/645,596
1003	Declaration of Steven K. Neufeld, M.D.
1004	Curriculum Vitae of Steven K. Neufeld, M.D.
1005	McGlamry’s Comprehensive Textbook of Foot and Ankle Surgery, Preface and Chapters 1, 31, 34, 36, and 55, 4th Edition, 2013 (“McGlamry”)
1006	U.S. Patent App. Publ. No. 2009/0216089 to Davidson (“Davidson”)
1007	U.S. Patent App. Publ. No. 2016/0213384 to Fallin et al. (“Fallin”)
1008	U.S. Patent No. 8,328,806 to Tyber et al. (“Tyber”)
1009	Mark H. Hofbauer & Jordan P. Grossman, <i>The Lapidus Procedure</i> , 13(3) CLINICS PODIATRIC MED. & SURGERY 486–496 (1996)
1010	Paul W. Lapidus, <i>The author's bunion operation from 1931 to 1959</i> , 16 CLIN. ORTHOPAEDICS 119-135 (1960)
1011	Paul W. Lapidus, <i>Operative correction of the metatarsus varus primus in hallux valgus</i> , 58 J. SURGERY GYNECOLOGY & OBSTETRICS 183–191 (1934)
1012	James M. Cottom & Anand M. Vora, <i>Fixation of lapidus arthrodesis with a plantar interfragmentary screw and medial locking plate: a report of 88 cases</i> , 52(4) J. Foot & Ankle Surgery 465–469 (July-Aug. 2013)
1013	International Patent App. Publ. No. 2014/152219 to DaCosta et al. (“DaCosta-219”)

Exhibit No.	Description
1014	U.S. Design Patent No. D695402 to DaCosta et al. (“DaCosta-402”)
1015	U.S. Patent App. Publ. No. 2013/0150900 to Haddad et al. (“Haddad”)
1016	Ryuzo Okuda et al., “Proximal Abduction–Supination Osteotomy of the First Metatarsal for Adolescent Hallux Valgus: A Preliminary Report,” <i>Journal of Orthopedic Science</i> , Vol. 18, 419–425 (2013)
1017	U.S. Patent App. Publ. No. 2007/0265634 to Weinstein (“Weinstein”)
1018	File History of U.S. Patent Application No. 16/448,357
1019	U.S. Patent No. 9,107,715 to Blitz et al. (“Blitz”)
1020	File History of U.S. Patent Application No. 14/480,309
1021	File History of U.S. Provisional Application No. 62/108,936 (“the ’936 application”)
1022	McGlamry’s <i>Comprehensive Textbook of Foot and Ankle Surgery</i> , Chapter 6, 3rd Edition, 2001
1023	U.S. Patent No. 5,350,382 to Armstrong et al. (“Armstrong”)
1024	U.S. Patent No. 5,112,334 to Alchermes et al. (“Alchermes”)
1025	U.S. Patent App. Publ. No. 2013/0030438 to Fox (“Fox”)
1026	U.S. Patent App. Publ. No. 2011/0186456 to Bertazzoni et al. Bertazzoni (“Bertazzoni”)
1027	Bas B.G.M. Franssen et al., <i>One century of Kirschner wires and Kirschner wire insertion techniques: A historical review</i> , 76 <i>Acta Orthopedic Belgium</i> 1–6 (2010)

Exhibit No.	Description
1028	Paul Dayton et al., <i>Relationship of Frontal Plane Rotation of First Metatarsal to Proximal Articular Set Angle and Hallux Alignment in Patients Undergoing Tarsometatarsal Arthrodesis for Hallux Abducto Valgus: A Case Series and Critical Review of the Literature</i> , 52(3) J. Foot & Ankle Surgery 348–354 (2013)
1029	RESERVED
1030	Declaration of Sylvia Hall-Ellis, Ph.D.
1031	Defendants’ Opening Brief in Support of Motion to Stay, <i>Treace Medical Concepts, Inc. v. Zimmer Biomet Holdings, Inc. and Paragon 28, Inc.</i> , C.A. No. 1:25-cv-00592-GBW (Dist. Del)
1032	Declaration of Michael Schmidt

Patent Owner (“PO”) requests discretionary denial under § 324(a). The Board should deny PO’s request and institute review.

I. INTRODUCTION

The relevant considerations overwhelmingly favor institution of this PGR.

- There are no settled expectations: this PGR proceeding challenges a patent that issued just one year ago.
- The prosecution record reflects material examination error: in the first Office Action, the Examiner treated the challenged claims as allowable except for double patenting based on a mistaken view that the prior art did not disclose the claimed metatarso-cuneiform fusion steps.
- The parallel district court case is in the earliest stages: there is no scheduling order, no trial date, and no meaningful party investment. PO has delayed that case and sought stays and extensions totaling more than 270 days.
- Any potential for overlapping efforts with the district court has been substantially mitigated by Petitioner’s *Sotera* stipulation.
- PO’s infringement allegations implicate U.S. industry: Petitioner’s accused products are manufactured and assembled in the U.S.

PO’s arguments for discretionary denial lack merit. Because **PO** repeatedly sought stays and delays, the district court case has not meaningfully progressed. The

court has not held a scheduling conference or set any dates, and the parties have not opened discovery.

PO's "settled expectations" argument is likewise unavailing. The scope of a patent—and any resulting public expectations—is defined by the issued claims. The '428 patent issued on April 8, 2025, just eight months before Petitioner filed the PGR Petition. On these facts, PO cannot show settled expectations that weigh against institution. PO's request for discretionary denial should therefore be denied, and the Board should institute this PGR.

II. PATENT OWNER'S § 324(A) ARGUMENTS FAIL

A. The *Fintiv* Factors Weigh in Favor of Institution

1. A Stay in the District Court Is Likely

Petitioner moved to stay the district court case on March 4, 2026. Now that Petitioner has filed PGR/IPR petitions challenging all asserted patents, a stay is likely. In any event, the case has not progressed: there is no schedule, no trial date, and not even a deadline for the parties to discuss a schedule. Although PO represented that it would request a Rule 16 conference, it has not done so. Instead, PO has repeatedly sought stays and extensions in the district court, delaying the case and minimizing investment. Ex.1031, 1-2.

After filing its Amended Complaint on August 13, 2025, PO stipulated to a forty-five-day stay, then an additional thirty-day stay, and then a further nine-day

extension of that stay. *Id.* After the case had been stayed for nearly three months, PO filed a motion to dismiss at the same time Petitioner filed this PGR Petition. Rather than promptly responding to that motion, PO requested, and the parties stipulated to, yet another extension, extending Plaintiff's deadline to respond by forty-six days. *Id.* As a result of those stays and extensions, the case remains at an early stage: the pleadings are still open, the parties have not conducted a Rule 26(f) conference, discovery has not begun, and the court has not set a schedule.

PO notes that settlement discussions are ongoing, but that point does not support discretionary denial. Request, 2. At most, it helps explain why the district-court case remains in a preliminary stage. Whatever the parties' settlement efforts, they do not show case progress or party investment that would make institution inefficient.

This factor therefore weighs against discretionary denial, or at most is neutral.

2. There Is No Trial Date

As PO admits, there is no trial date. PO argues the case is "[n]ine months in[]," but it has not meaningfully progressed and remains in its infancy, with no scheduling order. Request, 2. This factor weighs against discretionary denial.

3. Minimal Investment by the Parties

Without a schedule, the district-court case has seen little merits investment. Although PO represented that it would request a Rule 16 conference, no such

conference has occurred. Instead, the parties jointly entered multiple stays and extensions (Ex.1031, 1-2), and the case remains at the pleadings stage: no Rule 26(f) conference, no discovery, and no scheduling order. On this record, the court and the parties have not invested resources to a degree that creates meaningful duplication with this PGR. This factor weighs against discretionary denial.

4. Issue Overlap

Petitioner's *Sotera* stipulation materially reduces overlap concerns. Pet., 121. If review is instituted, Petitioner will not pursue in district court any ground raised, or that reasonably could have been raised, in this PGR. PO argues that the stipulation "has not disavowed asserting the same art in different ways." Request, 3. That assertion is unsupported and misses the point: the stipulation substantially mitigates concerns about duplicative efforts and inconsistent results.

Petitioner has filed PGR/IPR petitions challenging all five asserted patents. PO's separate argument regarding the later-filed petition on the '941 patent does not change the overlap analysis here. Request, 3. Even if that separate proceeding ultimately proceeds on a somewhat different timetable, any modest scheduling offset among PTAB cases does not materially increase overlap between this PGR and the district-court action. The relevant question is duplicative invalidity work and the risk of inconsistent outcomes. Petitioner's *Sotera* stipulation addresses those

concerns by foreclosing in district court any invalidity ground that was raised or reasonably could have been raised in this PGR.

PO's reliance on Petitioner's separate Delaware action also carries little weight. Request, 3-4. The existence of a separate suit does not itself create the kind of present merits overlap that warrants denial, especially where the suit includes non-patent claims and additional issues. Any coordination between the actions does not alter the operative point here: if review is instituted, Petitioner will not pursue in district court the invalidity grounds that were raised or reasonably could have been raised in this PGR.

Factor 4 therefore weighs strongly against discretionary denial.

5. The Parties are the Same

Petitioner is the district court defendant. This factor carries little weight given the absence of a schedule, the minimal investment, and the *Sotera* stipulation.

On balance, the *Fintiv* factors favor institution.

B. There are No Settled Expectations

1. PGRs are Preferred

Petitions for PGR are favored. PGR petitions must be filed within nine months of grant, are close in time to examination, and occur before patent-rights expectations are strongly settled. *Multi-Color Corp. v. Brook & Whittle Ltd.*, PGR2025-00025, Paper 10 (P.T.A.B. July 16, 2025) (precedential). That principle

applies here. The '428 patent issued on April 8, 2025, and Petitioner filed its Petition on December 23, 2025, within the nine-month window. The timing weighs strongly against any settled-expectations claim.

The age of the '428 patent likewise weighs against discretionary denial. The Office has declined to find strong settled expectations even for much older patents, including those issued in 2021-2023. *Apple Inc. v. Apex Beam Techs. LLC*, IPR2025-00896, Paper 10 (P.T.A.B. September 3, 2025). The same is true for patents issued in 2019-2020. *See, e.g., Cambridge Indus. USA, Inc. v. Applied Optoelectronics, Inc.*, IPR2025-00434, Paper 11, 2-3 (P.T.A.B. June 26, 2025). If patents in force for several years did not create strong settled expectations, a patent challenged within nine months of issuance plainly does not.

2. **The Relevant Period is How Long the Challenged Claims Have Been in Force—Not the Earliest Publication in the Family**

Recognizing that the recently issued '428 patent cannot support settled expectations, PO argues that the settled expectations period should instead run from the earliest publication in the family. Request, 4-5. That is not the Office's framework. The USPTO's Interim Director Discretionary Process identifies "[s]ettled expectations of the parties, such as the length of time the claims have been in force," as the relevant consideration. Process Memorandum at 2. Consistent with that guidance, PTAB decisions measure settled expectations by how long the challenged patent has been in force—not the earliest publication or filing date in the

family. *Dabico* found strong settled expectations where the patent was in force for eight years. *Dabico Airport Sols. Inc. v. AXA Power ApS*, IPR2025-00408, Paper 21 (P.T.A.B. June 18, 2025) (informative). *Amgen* distinguished patents in force for seven and six years from a patent in force for three years. *Amgen Inc. v. Bristol-Myers Squibb Co.*, IPR2025-00601, Paper 9 (July 24, 2025) (informative).

Embody is especially instructive because it rejects the very move PO attempts here. *Embody, Inc. v. Lifenet Health*, IPR2025-00248, Paper 13 (P.T.A.B. June 26, 2025). There, one challenged patent issued in 2022 and another, related parent patent issued in 2018. Even so, the Acting Director held that the patent owner had not developed strong settled expectations as to the younger patent and that it was an efficient use of Board resources to address the related parent patent as well. *Id.* The existence of an older related patent, or an older family publication, thus does not transplant settled expectations onto a newly issued challenged patent.

PO's continuity-chain theory is also inconsistent with PGR. If settled expectations could attach before a continuation patent issued, continuation patents could be insulated from PGR before the statutory window opened. The scope of a patent and its preclusive effect are created by the claims, not the disclosure. There can be no expectation without an understanding of what claims are actually patentable. Under PO's theory, it would be the public's burden to either undertake or predict all claims that may issue from a particular disclosure. That is simply

untenable. Moreover, PO's argument cannot be reconciled with Congress's decision to permit PGR challenges during the first nine months after issuance, or with *Multi-Color*'s recognition that PGR petitions are favored precisely because they are filed before patent-right expectations are strongly settled. Petitioner could not have filed a PGR against the '428 patent before it issued.

3. **A Double-Patenting Rejection Does Not Establish Settled Expectations**

PO's double-patenting theory conflates two different inquiries. Request, 5-7. The Director's settled-expectations analysis looks to how long the challenged claims have been in force, not whether related family claims once prompted an obviousness-type double-patenting rejecting during prosecution. The '428 patent claims did not become enforceable until the patent issued on April 8, 2025, and Petitioner filed within the statutory PGR window. A prosecution-stage double-patenting rejection cannot backdate settled expectations to a time when the challenged claims did not yet exist as enforceable rights.

Nor does the rejection show that the Office already vetted the challenge presented here. At most, it reflected the Examiner's view, in prosecution, about patentable distinctness relative to the '590 patent claims. That is not a determination that the claims are identical, and it is not a substitute for the prior-art analysis on the grounds raised here. PO itself describes only a shared "general claim scope," not identical claims. Request, 7. More importantly, Petitioner's challenge rests on prior

art and motivation-to-combine evidence that the Examiner did not apply during prosecution. As the Petition explains, the first Office Action treated the claims as allowable except for double patenting and did not apply the key prior-art combinations advanced here. Pet., 19-20.

PO's rule would also swallow PGR for continuation patents. If a double-patenting rejection could transplant settled expectations from an earlier family patent to later-issued claims, continuation claims could become functionally insulated from PGR before they ever issued. That is inconsistent with the Office's focus on how long the challenged claims have been in force and with the recognition that PGR petitions are favored because they are filed before expectations in the patent rights are strongly settled.

4. Any Overlap with the '590 Patent Claims Does Not Transfer Settled Expectations

PO's claim-comparison section does not support settled expectations. Request, 7. At most, it shows that the '428 and '590 patents concern related subject matter within the same continuation family. That is unsurprising. But the settled-expectations inquiry is claim-specific and time-specific: it asks how long the challenged claims have been in force. Related subject matter is not enough to transplant settled expectations from one patent to another.

The quoted claim language confirms that the claims are not identical. Claim 1 of the '428 patent recites, among other things, "with the instrument inserted

between the first metatarsal and the second metatarsal, cutting an end of the first metatarsal,” whereas the ’590 patent claim quoted by PO recites “inserting a fulcrum” and “moving a distal portion of the first metatarsal ... and reducing an intermetatarsal angle.” Those differences matter, not because Petitioner must prove a large substantive gap between the claims, but because they confirm that the ’428 patent claims are their own legal rights—patent rights that were not in force until April 2025.

More fundamentally, even substantial overlap would not change the result. Continuation practice often produces related claims. But PGR exists precisely to test newly issued claims within the first nine months after issuance, before expectations in those particular patent rights are strongly settled. The relevant inquiry therefore remains the challenged claims themselves, not PO’s attempt to reframe the issue to family-disclosure.

5. Notice Does Not Support Settled Expectations

PO also argues that Petitioner had notice of the patent family for years because Petitioner’s patents cite earlier PO publications. Request, 8-9. That does not advance PO’s settled-expectations theory. *Dabico* explains that actual notice of a patent or possible infringement theory is not required to create settled expectations, but it does not suggest that awareness of an earlier family publication creates settled expectations in later-issued claims not yet in force. *Dabico Airport Sols.*, IPR2025-

00408, Paper 21. To the contrary, the Office's framework focuses on how long the challenged claims have been in force. Here, Petitioner could not have filed a PGR before the '428 patent issued. Pre-issuance awareness of the family does not show that strong settled expectations had formed.

Nor is notice dispositive even in older-patent cases. In *Apple Inc. v. Ferid Allani*, the Office declined discretionary denial despite years of awareness because surrounding circumstances undercut any expectation of enforcement. *Apple Inc. v. Ferid Allani*, IPR2025-00857, Paper 11 (P.T.A.B. September 5, 2025). Notice is only one factor in a broader inquiry and cannot substitute for showing that strong settled expectations formed around the challenged claims. Given the '428 patent's recent issuance and prompt petition filing, PO's notice argument carries little weight.

6. PO has Not Shown Substantial Reliance Giving Rise to Strong Settled Expectations

PO's reliance showing is insufficient. Nearly all cited evidence predates issuance of the '428 patent and concerns broader commercialization efforts, investor messaging, product adoption, or portfolio size. Request, 9-12 (citing Exs.2008-2024). That evidence may show recognition of PO's business or products generally, but it does not show strong settled expectations in the specific claims of the '428 patent, which had been in force for less than nine months when challenged. *Amgen* indicates that a patent owner may establish strong settled expectations for a younger patent by showing extraordinary investment tied to the ***challenged patent***. *Amgen*,

IPR2025-00601, Paper 9. But *Amgen* did not find strong settled expectations even for a patent in force for about three years. *Id.* PO's showing here is weaker still: its evidence is largely pre-issuance and portfolio-level, not claim-specific or tied to the '428 patent's in-force period.

The broader context confirms that PO's reliance theory is overstated. The Petition was filed at the first available opportunity for PGR review. Institution would not upset mature, long-accrued expectations of the sort present in decisions like *Dabico*, where the patent had been in force for almost eight years. Instead, institution would allow the Office to evaluate a newly issued patent within the review window Congress created. On this record, PO has not shown the type of strong, claim-specific reliance needed to support discretionary denial.

C. The Prosecution Record Reflects Material Examination Error

PO asserts there is no identified examination error. Request, 12. But the prosecution record reflects material error in the Examiner's identification of allowable subject matter. In the first Office Action, the Examiner indicated that, but for a double-patenting rejection, claims 1-30 were allowable. Ex.1002, 383-385. The Examiner expressly found that the prior art disclosed "inserting an instrument between [a first] metatarsal and a second metatarsal adjacent to the first metatarsal," yet treated the claims as allowable because the prior art allegedly failed to disclose

the metatarso-cuneiform fusion steps. *Id.*, 383. That rationale went to the heart of patentability.

The Examiner's rationale was internally inconsistent with prior art before him and with his own prior findings. In prosecution of a parent application, the same Examiner found—and Applicant did not dispute—that Davidson discloses fulcrums used in bone realignment. Ex.1018, 571-572, 725-731. The same Examiner had previously examined Blitz, which describes a Lapidus-type metatarso-cuneiform fusion procedure involving movement of the metatarsal and fixation relative to the cuneiform. Ex.1019, 1; Ex.1020, 21-23, 221-225. And Applicant cited Blitz during prosecution here. Ex.1001, 3. Yet in the '428 patent prosecution the Examiner concluded the prior art did not disclose “moving the metatarsal in at least one plane” or “fixating a moved position of the first metatarsal relative to the medial cuneiform.” Ex.1002, 383. That mismatch is material.

The Petition also presents prior-art showings and combinations the Examiner never applied. The Examiner was not provided with the entirety of McGlamry; Chapters 1, 34, and 55 were not submitted, and McGlamry Chapter 31, Davidson, Fallin, and Tyber were not applied during prosecution. Pet., 21. The Petition now presents ten grounds, including anticipation by McGlamry and obviousness combinations with Davidson, Fallin, and Tyber, supported by Dr. Neufeld's declaration. Pet., 27-28. This is not a case where the Office previously considered

and applied the same prior-art. It is a case where the challenged claims were treated as allowable based on a materially mistaken view of what the prior art disclosed.

D. Petitioner Manufactures the Accused Products in the United States

The Director’s March 11, 2026 Memorandum directs consideration of “the extent to which any products accused of infringement in a parallel proceeding are manufactured in the United States or are related to investments in American manufacturing operations.” The devices PO alleges practice the asserted method claims are assembled in the United States as final products. Ex.1032. Most components are also made in the United States and not sent abroad for additional processing. *Id.* For example, the clamp component is manufactured in Michigan, and the wedge component is manufactured in Florida. *Id.* These considerations thus weigh against discretionary denial and in favor of institution.

Respectfully submitted,

Dated: April 6, 2026

/ Jacob L. Peterson /

Jacob L. Peterson (Reg. No. 65,096)
MORGAN, LEWIS & BOCKIUS LLP

Attorney for Petitioner Paragon 28, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the date below, true and correct copies of **PETITIONER'S RESPONSE TO PATENT OWNER'S REQUEST FOR DISCRETIONARY DENIAL AND EXHIBITS 1031-1032** are being served via email pursuant to 37 C.F.R. § 42.6(e), to counsel for Patent Owner as addressed below:

Richard McCaulley (Reg. No. 41,977)
richard@mccaulleylawgroup.com
McCaulley Law Group
21660 W Field PKWY, Unit 117
Deer Park, IL 60010
Tel.: 312.858.1105

Joshua Van Hoven (Reg. No. 56,786)
josh@vhiplaw.com
Van Hoven PC
3001 Bishop Dr, Suite 300
San Ramon, CA 94583
Tel.: 925.302.5941

Paul LaVanway (Reg. No. 64,610)
plavanway@fredlaw.com
Fredrikson & Byron P.A.
60 South Sixth Street, Suite 1500
Minneapolis, MN 55402
Tel.: 612.492.7387

Andres F. Arrubla (Reg. No. 68,102)
aarrubla@treace.net
Treace Medical Concepts, Inc.
100 Palmetto Park Place
Ponte Vedra, FL 32081
Tel.: 561.305.2545

Dated: April 6, 2026

By: / Jacob L. Peterson /
Jacob L. Peterson (Reg. No. 65,096)
MORGAN, LEWIS & BOCKIUS LLP