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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTHERN DISTRICT OF CALIFORNIA**

ANGLEFIX TECH, LLC

Plaintiff,

v.

Civil Action No: '13CV0983 BEN RBB

NUVASIVE, INC.

Defendant.

**COMPLAINT FOR PATENT INFRINGEMENT
JURY TRIAL DEMANDED**

Plaintiff, AngleFix Tech, LLC (“AngleFix”), brings this Complaint for patent infringement against Defendant Nuvasive, Inc. (“Nuvasive”) as follows.

JURISDICTION AND VENUE

1. This is an action for patent infringement under Title 35 of the United States Code §§281 and 271 (a) (b) and/or (c) for infringement of US Patent 6,955,677 (the ‘677 Patent).

2. This Court has jurisdiction over patent claims under 35 U.S.C. §281 and 28 U.S.C. §§1331, 1338(a) providing for federal question jurisdiction of actions relating to patents and trademarks.

1 tapped by an external thread of the bone screw to affix the bone screw to the tappable
2 contact region at the insertion angle and wherein the tappable contact region comprises a
3 plurality of protrusions extending generally radially inwardly from the inside surface and
a plurality of interstices between the protrusions.

4 54. A fastening apparatus adapted for multi-angular insertion, comprising: (a) a
5 fastener comprising an elongate section and an adjoining head section disposed along a
6 fastener axis, the head section comprising a thread, said fastener comprising a surgical
7 bone screw; and (b) a fastener receiving member comprising first and second opposing
8 major surfaces, an inside surface extending between the first and second major surfaces
9 and defining an aperture generally coaxially disposed about an aperture axis, and a
tappable contact region disposed on the inside surface, wherein the tappable contact
region has a minimum inside diameter large enough to permit the elongate section to pass
therethrough at an insertion angle defined between the fastener axis and the aperture axis,
and the tappable contact region is adapted for being tapped by the thread of the head
section to affix the head section to the tappable contact region at the insertion angle.

10 and exemplary method claims 39 and 71, as follows:

11 39. A method for affixing a fastener to a fastener receiving member at a desired
12 orientation, comprising the steps of: (a) providing a fastener comprising an elongate
13 section and an adjoining head section disposed along a fastener axis, the head section
14 comprising a thread; (b) providing a fastener receiving member comprising first and
15 second opposing major surfaces, an inside surface extending between the first and second
16 major surfaces and defining an aperture generally coaxially disposed about an aperture
17 axis, and a non-rotatable tappable contact region disposed on the inside surface of the
18 aperture, the tappable contact region having an inside diameter large enough to permit the
19 elongate section of the fastener to pass therethrough at a variable insertion angle defined
20 between the fastener axis and the aperture axis, and the contact region is formed so as to
allow for being tapped by the thread of the head section to rigidly affix the head section
to the tappable contact region at a selected one of a plurality of different angles that can
be selectively formed between the axis of the fastener and the aperture axis; (c) selecting
one of the plurality of different insertion angles at which the fastener is to be inserted in
relation to the fastener receiving member; (d) inserting the elongate section through the
aperture until the thread of the head section contacts the non-rotatable tappable contact
region; and (e) tapping the fastener into the receiving member such that the fastener is
rigidly oriented at the selected insertion angle by threading the thread of the head section
into the non-rotatable tappable contact region while the fastener is oriented at the selected
insertion angle.

21 71. A method for affixing a fastener to a fastener receiving member at a desired
22 orientation, comprising the steps of: (a) providing a fastener comprising a threaded
23 elongate section and an adjoining head section disposed along a fastener axis, the head
24 section comprising a thread; (b) providing a fastener receiving member comprising first
25 and second opposing major surfaces, an inside surface extending between the first and
second major surfaces and defining an aperture generally coaxially disposed about an
aperture axis, and a tappable contact region disposed on the inside surface; (c) selecting
an insertion angle at which the fastener is to be inserted in relation to the fastener
receiving member, wherein the insertion angle is defined between the fastener axis and

1 the aperture axis; (d) inserting the elongate section through the aperture until the thread of
2 the head section contacts the tappable contact region; (e) tapping the fastener into the
3 receiving member such that the fastener is oriented at the selected insertion angle by
4 threading the thread of the head section into the tappable contact region while the fastener
5 is oriented at the selected insertion angle; and (f) comprising the step of placing one of
6 the major surfaces of the receiving member against bone material, and inserting the
7 elongate section of the fastener into the bone material by threading the elongate section
8 into the bone material.

6 **THE ACCUSED PRODUCTS**

7 9. Nuvasive manufactures, and distributes nationwide, medical products generally
8 known as plate and screw systems for bone fixation for use in orthopaedic procedures. The
9 devices manufactured by Nuvasive are referred to as the Helix ACP, among other names.

10 10. The Helix ACP is a fastening apparatus adapted for multi-angular screw insertion,
11 which includes threaded shaft screw fasteners with threaded head sections and a plate with holes
12 for the screws that include a non-rotatable tappable contact region on the inside surface of the
13 holes, having an inside diameter large enough to permit the threaded shaft portion of the screw to
14 pass through at a variable insertion angle, and small enough to contact and to be tapped by the
15 thread of the screw head to rigidly affix the head section to the tappable contact region at a
16 selected one of a plurality of different angles.

17 11. The Helix ACP is used in a method for affixing a fastener to a fastener receiving
18 member at a desired orientation for orthopedic procedures, by the steps of: (a) providing a shaft
19 threaded and head threaded screw, (b) providing a plate with holes with internal tappable contact
20 region disposed on the inside surface of the holes; (c) selecting an insertion angle for one of the
21 screws; (d) inserting a screw through a hole until the thread of the head section contacts the
22 tappable contact region; (e) tapping the screw into the receiving member such that the screw is
23 oriented at the selected insertion angle by threading the thread of the head section into the
24 tappable contact region while the screw is oriented at the selected insertion angle; and (f) placing
25 one of the plate against bone material, and inserting the shaft of the screw into the bone material.

