

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

BONUTTI SKELETAL INNOVATIONS LLC,)	
)	
Plaintiff,)	Civil Action No.
)	
v.)	JURY TRIAL DEMANDED
)	
MICROPORT ORTHOPEDICS INC.,)	
)	
Defendant.)	

COMPLAINT

Bonutti Skeletal Innovations LLC (“Bonutti Skeletal”) hereby asserts claims of patent infringement against MicroPort Orthopedics Inc. (“MicroPort Orthopedics”), and alleges as follows:

The Parties

1. Bonutti Skeletal is a Delaware limited liability company having a place of business at 6136 Frisco Square Blvd., Suite 385, Frisco, TX 75034.
2. On information and belief, MicroPort Orthopedics is a Delaware corporation having a place of business at 5677 Airline Road, Arlington, TX 38002.

The Patents-In-Suit

3. U.S. Patent No. 6,702,821 (“the ’821 patent”), entitled “Instrumentation for Minimally Invasive Joint Replacement and Methods for Using Same,” was lawfully issued on March 9, 2004 to the inventor Peter M. Bonutti (“Dr. Bonutti”). Bonutti Skeletal is the owner, through assignment, of the title, interest and rights to enforce and collect damages for all past, present and future infringements of the ’821 patent by the accused products and the use thereof. A copy of the ’821 patent is attached hereto as Exhibit A.

4. U.S. Patent No. 8,133,229 (“the ’229 patent”), entitled “Knee Arthroplasty Method,” was lawfully issued on March 13, 2012 to Dr. Bonutti. Bonutti Skeletal is the owner, through assignment, of the title, interest and rights to enforce and collect damages for all past, present and future infringements of the ’229 patent by the accused products and the use thereof. A copy of the ’229 patent is attached hereto as Exhibit B.

5. U.S. Patent No. 7,806,896 (“the ’896 patent”), entitled “Knee Arthroplasty Method,” was lawfully issued on October 5, 2010 to Dr. Bonutti. Bonutti Skeletal is the owner, through assignment, of the title, interest and rights to enforce and collect damages for all past, present and future infringements of the ’896 patent by the accused products and the use thereof. A copy of the ’896 patent is attached hereto as Exhibit C.

BACKGROUND

6. Dr. Bonutti is an orthopedic surgeon with experience in performing over 20,000 orthopedic surgical procedures.

7. Because of Dr. Bonutti’s expertise, insights, experience and research efforts, Dr. Bonutti is an inventor or co-inventor of over 150 United States patents, including the ’821 patent, the ’229 patent and the ’896 patent (hereinafter, the “patents-in-suit”).

8. The patents-in-suit involve specialized procedures, instruments, implants, kits and systems invented by Dr. Bonutti for performing minimally invasive knee surgery.

9. On information and belief, MicroPort Scientific Corporation acquired the OrthoRecon business from Wright Medical Group, Inc. (“Wright Medical”) in a transaction that closed on January 9, 2014 and established MicroPort Orthopedics.

10. MicroPort Orthopedics is a competitor in the orthopedics industry and in particular in the joint replacement industry. On information and belief, MicroPort Orthopedics

designs, develops, manufactures, offers for sale, sells, uses, distributes and/or markets joint replacement implants and instruments including knee implants and surgical instruments used in knee surgery, including minimally invasive knee surgery. These knee implants include, but are not limited to, the LINK Sled Prosthesis and ADVANCE Knee Systems.

11. On information and belief, MicroPort Orthopedics creates, distributes and/or otherwise makes available to surgeons, medical professionals, healthcare providers and the public-at-large instructions for use, surgical technique guides, brochures and/or videos for implanting MicroPort Orthopedics knee implant systems including, but not limited to, the LINK Sled Prosthesis system and ADVANCE Knee System.

12. On information and belief, MicroPort Orthopedics creates, distributes and/or otherwise makes available to surgeons, medical professionals, healthcare providers and the public-at-large instructions for use, surgical technique guides, brochures and/or videos on using MicroPort Orthopedics surgical instruments, including minimally invasive instruments, for implanting MicroPort Orthopedics knee implant systems including, but not limited to, MITUS (Minimally Invasive Technique of Unicondylar Sled Prosthesis) Instruments, ODYSSEY instrumentation, and PROPHECY guides.

13. On information and belief, MicroPort Orthopedics further offers courses to surgeons and medical professionals with a focus on the use of the MicroPort Orthopedics (or other) joint replacement products it promotes, including knee implant systems such as, for example, the LINK Sled Prosthesis and ADVANCE Knee Systems and related surgical instruments utilized for the implantation of these knee implant systems.

14. At least as early as January 15, 2013, Bonutti Skeletal notified Wright Medical it was infringing the '821, '896, and '229 patents.

15. On information and belief, because MicroPort Orthopedics employees are substantially the same as the OrthoRecon business of Wright Medical, MicroPort Orthopedics knew of Bonutti Skeletal's infringement allegations regarding MicroPort Orthopedics' products and the '821, '896, and '229 patents at least as early as January 9, 2014.

JURISDICTION AND VENUE

16. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338 because this action arises under the patent laws of the United States, including 35 U.S.C. § 271 et seq.

17. This Court has personal jurisdiction over MicroPort Orthopedics because, among other things, MicroPort Orthopedics is a Delaware corporation and is thus subject to personal jurisdiction in this District, and because, on information and belief, MicroPort Orthopedics engages in substantial and ongoing business in this District.

18. On information and belief, MicroPort Orthopedics offers to sell, sells and distributes its knee implants and/or knee implant related instruments and products, which either infringe one or more claims of the patents-in-suit, or are for use in infringing procedures, to healthcare institutions and/or medical professionals within this District. On information and belief, MicroPort Orthopedics' knee implants and/or knee implant related instruments and products are used in infringing procedures by healthcare institutions and/or medical professionals within this District. On information and belief, MicroPort Orthopedics, independently and/or collectively, has committed, contributed to and/or induced acts of patent infringement within this District.

19. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400.

COUNT I

Infringement of the '821 Patent

20. Bonutti Skeletal realleges and incorporates by reference each of the preceding paragraphs.

21. On information and belief, MicroPort Orthopedics, directly or through the actions of its employees, divisions and/or subsidiaries, has infringed and continues to infringe the '821 patent directly, indirectly (by inducing infringement by others or contributing to infringement), jointly, literally and/or by equivalents.

22. On information and belief, MicroPort Orthopedics has infringed and continues to infringe the '821 patent, directly, indirectly, jointly, literally and/or by equivalents, by, among other things, making, using, offering for sale, selling, distributing and/or importing MicroPort Orthopedics products within the United States that infringe or are for use in a manner that practices the method of one or more claims of the '821 patent. The MicroPort Orthopedics products that infringe or are used to infringe the method of one or more claims of the '821 patent include, or are included in, MicroPort Orthopedics knee implant systems, and associated instruments used with and for implanting these MicroPort Orthopedics knee implant systems. These MicroPort Orthopedics knee implant systems include, but are not limited to, the MicroPort Orthopedics LINK Sled Prosthesis, and associated instruments for implanting the LINK Sled Prosthesis, including, but not limited to, MITUS Instruments.

23. On information and belief, MicroPort Orthopedics has infringed and continues to infringe the '821 patent, directly, indirectly, jointly, literally and/or by equivalents, by, among other things, using MicroPort Orthopedics knee implant systems and/or using MicroPort Orthopedics instruments to implant MicroPort Orthopedics knee implants in a manner that

practices the method of one or more claims of the '821 patent. These MicroPort Orthopedics knee implant systems include, but are not limited to, the MicroPort Orthopedics LINK Sled Prosthesis, and associated instruments for implanting the LINK Sled Prosthesis, including, but not limited to, MITUS Instruments.

24. On information and belief, surgeons, physicians and medical professionals have infringed and continue to infringe the '821 patent, directly, indirectly, jointly, literally and/or by equivalents, by, among other things, using MicroPort Orthopedics knee implant systems, implanting MicroPort Orthopedics Medical knee implants, and/or using MicroPort Orthopedics instruments in the United States in a manner that practices the method of one or more claims of the '821 patent. These MicroPort Orthopedics knee implant systems include, but are not limited to, the MicroPort Orthopedics LINK Sled Prosthesis, and associated instruments for implanting the LINK Sled Prosthesis, including, but not limited to, MITUS Instruments.

25. On information and belief, MicroPort Orthopedics has had and continues to have knowledge and is aware of Dr. Bonutti's patents, including the '821 patent.

26. On information and belief, MicroPort Orthopedics has infringed and continues to infringe the '821 patent, directly, indirectly, jointly, literally and/or by equivalents, by, among other things, encouraging, instructing, contributing to the infringement of, and otherwise encouraging, promoting and inducing surgeons, physicians and medical professionals to use MicroPort Orthopedics knee implant systems, implant MicroPort Orthopedics knee implant systems, and/or use MicroPort Orthopedics instruments to implant MicroPort Orthopedics knee implant systems within the United States in a manner that practices the method of one or more claims of the '821 patent.

27. On information and belief, MicroPort Orthopedics has encouraged, promoted and induced and continues to encourage, promote and induce the infringement of the method of one or more claims of the '821 patent, by, for example, creating and distributing MicroPort Orthopedics surgical technique guides, brochures, instructions for use and package inserts that explain and set forth procedures and techniques for using MicroPort Orthopedics knee implant systems, implanting MicroPort Orthopedics knee implants, and/or using MicroPort Orthopedics instruments to implant the MicroPort Orthopedics knee implant systems. These surgical technique guides, brochures, instructions for use and package inserts which encourage, promote, teach, induce and set forth the method of infringing one or more claims of the '821 patent are for at least the MicroPort Orthopedics LINK Sled Prosthesis, and associated instruments for implanting the LINK Sled Prosthesis, including, but not limited to, MITUS Instruments.

28. On information and belief, MicroPort Orthopedics has encouraged, promoted and induced and continues to encourage, promote and induce the infringement of the method of one or more claims of the '821 patent, by, for example, designing, manufacturing, offering for sale, selling, distributing and instructing of surgeons, physicians and medical professionals in the use of instruments specially designed and used for implanting MicroPort Orthopedics knee implants, including, but not limited to, the instruments specially designed and used for implanting LINK Sled Prosthesis, including, but not limited to, MITUS Instruments.

29. On information and belief, MicroPort Orthopedics has encouraged, promoted and contributed to and continues to encourage, promote and contribute to the infringement of the method of one or more claims of the '821 patent, by, for example, designing, manufacturing, offering for sale, selling and distributing to surgeons, physicians, medical professionals and healthcare institutions instruments specially designed and used for implanting MicroPort

Orthopedics knee implants and instructing surgeons, physicians and medical professionals in the use of these specially designed instruments to implant MicroPort Orthopedics knee implants, including, but not limited to, the instruments specially designed and used for implanting the LINK Sled Prosthesis, including, but not limited to, MITUS Instruments. These specially designed instruments are specifically designed to promote, encourage and assist surgeons and medical professionals in techniques that infringe the method of one or more claims of the '821 patent, and, on information and belief, these specially designed instruments are not staple articles of commerce and have no substantial non-infringing uses.

30. On information and belief, MicroPort Orthopedics has had and continues to have knowledge of the '821 patent, has been and is aware of the direct infringement of the '821 patent, and has intended and continues to intend to induce and/or contribute to that infringement.

31. Because MicroPort Orthopedics knew of the '821 patent and Bonutti Skeletal's related infringement charges, MicroPort Orthopedics has ignored and/or disregarded that MicroPort Orthopedics' actions constituted infringement of a valid patent and MicroPort Orthopedics continues to ignore and/or disregard an objectively high risk that MicroPort Orthopedics' actions constitute infringement of a valid patent.

32. On information and belief, MicroPort Orthopedics' infringement of the '821 patent is and has been willful and deliberate.

COUNT II

Infringement of the '229 Patent

33. Bonutti Skeletal realleges and incorporates by reference each of the preceding paragraphs.

34. On information and belief, MicroPort Orthopedics, directly or through the actions of its employees, divisions and/or subsidiaries, has infringed and continues to infringe the '229 patent directly, indirectly (by inducing infringement by others or contributing to infringement), jointly, literally and/or by equivalents.

35. On information and belief, MicroPort Orthopedics has infringed and continues to infringe the '229 patent, directly, indirectly, jointly, literally and/or by equivalents, by, among other things, making, using, offering for sale, selling, distributing and/or importing MicroPort Orthopedics products within the United States that infringe or are for use in a manner that practices the method of one or more claims of the '229 patent. The MicroPort Orthopedics products that infringe or are used to infringe the method of one or more claims of the '229 patent include, or are included in, MicroPort Orthopedics knee implant systems, and associated instruments used with and for implanting these MicroPort Orthopedics knee implant systems. These MicroPort Orthopedics knee implant systems include, but are not limited to, the MicroPort Orthopedics ADVANCE Knee System, and associated instruments including, but not limited to, the ODYSSEY instrumentation.

36. On information and belief, MicroPort Orthopedics has infringed and continues to infringe the '229 patent, directly, indirectly, jointly, literally and/or by equivalents, by, among other things, using MicroPort Orthopedics knee implant systems and/or using MicroPort Orthopedics instruments to implant MicroPort Orthopedics knee implants in a manner that practices the method of one or more claims of the '229 patent. These MicroPort Orthopedics knee implant systems include, but are not limited to, the MicroPort Orthopedics ADVANCE Knee System, and associated instruments including, but not limited to, the ODYSSEY instrumentation.

37. On information and belief, surgeons, physicians and medical professionals have infringed and continue to infringe the '229 patent, directly, indirectly, jointly, literally and/or by equivalents, by, among other things, using MicroPort Orthopedics knee implant systems, implanting MicroPort Orthopedics knee implants, and/or using MicroPort Orthopedics instruments in the United States in a manner that practices the method of one or more claims of the '229 patent. These MicroPort Orthopedics knee implant systems include, but are not limited to, the MicroPort Orthopedics ADVANCE Knee System, and associated instruments including, but not limited to, the ODYSSEY instrumentation.

38. On information and belief, MicroPort Orthopedics has had and continues to have knowledge and is aware of Dr. Bonutti's patents, including the '229 patent.

39. On information and belief, MicroPort Orthopedics has infringed and continues to infringe the '229 patent, directly, indirectly, jointly, literally and/or by equivalents, by, among other things, encouraging, instructing, contributing to the infringement of, and otherwise encouraging, promoting and inducing surgeons, physicians and medical professionals to use MicroPort Orthopedics knee implant systems, implant MicroPort Orthopedics knee implant systems, and/or use MicroPort Orthopedics instruments to implant MicroPort Orthopedics knee implant systems within the United States in a manner that practices the method of one or more claims of the '229 patent.

40. On information and belief, MicroPort Orthopedics has encouraged, promoted and induced and continues to encourage, promote and induce the infringement of the method of one or more claims of the '229 patent, by, for example, creating and distributing MicroPort Orthopedics surgical technique guides, brochures, instructions for use and package inserts that explain and set forth procedures and techniques for using MicroPort Orthopedics knee implant

systems, implanting MicroPort Orthopedics knee implants, and/or using MicroPort Orthopedics instruments to implant the MicroPort Orthopedics knee implant systems. These surgical technique guides, brochures, instructions for use and package inserts which encourage, promote, teach, induce and set forth the method of infringing one or more claims of the '229 patent are for at least the MicroPort Orthopedics ADVANCE Knee System, and associated instruments including, but not limited to, the ODYSSEY instrumentation.

41. On information and belief, MicroPort Orthopedics has encouraged, promoted and induced and continues to encourage, promote and induce the infringement of the method of one or more claims of the '229 patent, by, for example, designing, manufacturing, offering for sale, selling and instructing of surgeons, physicians and medical professionals in the use of instruments specially designed and used for implanting MicroPort Orthopedics knee implants, including, but not limited to, the instruments specially designed and used for implanting the ADVANCE Knee System, including, but not limited to, the ODYSSEY instrumentation.

42. On information and belief, MicroPort Orthopedics has encouraged, promoted and contributed to and continues to encourage, promote and contribute to the infringement of the method of one or more claims of the '229 patent, by, for example, designing, manufacturing, offering for sale, selling and distributing to surgeons, physicians, medical professionals and healthcare institutions instruments specially designed and used for implanting MicroPort Orthopedics knee implants and instructing surgeons, physicians and medical professionals in the use of these specially designed instruments to implant MicroPort Orthopedics knee implants, including, but not limited to, the instruments specially designed and used for implanting the MicroPort Orthopedics ADVANCE Knee System, including, but not limited to, the ODYSSEY instrumentation. These specially designed instruments are specifically designed to promote,

encourage and assist surgeons and medical professionals in techniques that infringe the method of one or more claims of the '229 patent, and, on information and belief, these specially designed instruments are not staple articles of commerce and have no substantial non-infringing uses.

43. On information and belief, MicroPort Orthopedics has had and continues to have knowledge of the '229 patent, has been and is aware of the direct infringement of the '229 patent, and has intended and continues to intend to induce and/or contribute to that infringement.

44. Because MicroPort Orthopedics knew of the '229 patent and Bonutti Skeletal's related infringement charges, MicroPort Orthopedics has ignored and/or disregarded that MicroPort Orthopedics' actions constituted infringement of a valid patent and MicroPort Orthopedics continues to ignore and/or disregard an objectively high risk that MicroPort Orthopedics' actions constitute infringement of a valid patent.

45. On information and belief, MicroPort Orthopedics' infringement of the '229 patent is and has been willful and deliberate.

COUNT III

Infringement of the '896 Patent

46. Bonutti Skeletal realleges and incorporates by reference each of the preceding paragraphs.

47. On information and belief, MicroPort Orthopedics, directly or through the actions of its employees, divisions and/or subsidiaries, has infringed and continues to infringe the '896 patent directly, indirectly (by inducing infringement by others or contributing to infringement), jointly, literally and/or by equivalents.

48. On information and belief, MicroPort Orthopedics has infringed and continues to infringe the '896 patent, directly, indirectly, jointly, literally and/or by equivalents, by, among

other things, making, using, offering for sale, selling, distributing and/or importing MicroPort Orthopedics products within the United States that infringe or are for use in a manner that practices the methods of one or more claims of the '896 patent. The MicroPort Orthopedics products that infringe or are used to infringe the methods of one or more claims of the '896 patent include, or are included in, MicroPort Orthopedics knee implant systems, and associated instruments used with and for implanting these MicroPort Orthopedics knee implant systems. These MicroPort Orthopedics knee implant systems include, but are not limited to, the MicroPort Orthopedics ADVANCE Knee System, and associated instruments including, but not limited to, the ODYSSEY instrumentation and PROPHECY guides.

49. On information and belief, MicroPort Orthopedics has infringed and continues to infringe the '896 patent, directly, indirectly, jointly, literally and/or by equivalents, by, among other things, using MicroPort Orthopedics knee implant systems and/or using MicroPort Orthopedics instruments to implant MicroPort Orthopedics knee implants in a manner that practices the methods of one or more claims of the '896 patent. These MicroPort Orthopedics knee implant systems include, but are not limited to, the MicroPort Orthopedics ADVANCE Knee System, and associated instruments including, but not limited to, the ODYSSEY instrumentation and PROPHECY guides.

50. On information and belief, surgeons, physicians and medical professionals have infringed and continue to infringe the '896 patent, directly, indirectly, jointly, literally and/or by equivalents, by, among other things, using MicroPort Orthopedics knee implant systems, implanting MicroPort Orthopedics knee implants, and/or using MicroPort Orthopedics instruments in the United States in a manner that practices the methods of one or more claims of the '896 patent. These MicroPort Orthopedics knee implant systems include, but are not limited

to, the MicroPort Orthopedics ADVANCE Knee System, and associated instruments including, but not limited to, the ODYSSEY instrumentation and PROPHECY guides.

51. On information and belief, MicroPort Orthopedics has had and continues to have knowledge and is aware of Dr. Bonutti's patents, including the '896 patent.

52. On information and belief, MicroPort Orthopedics has infringed and continues to infringe the '896 patent, directly, indirectly, jointly, literally and/or by equivalents, by, among other things, encouraging, instructing, contributing to the infringement of, and otherwise encouraging, promoting and inducing surgeons, physicians and medical professionals to use MicroPort Orthopedics knee implant systems, implant MicroPort Orthopedics knee implant systems, and/or use MicroPort Orthopedics instruments to implant MicroPort Orthopedics knee implant systems within the United States in a manner that practices the methods of one or more claims of the '896 patent.

53. On information and belief, MicroPort Orthopedics has encouraged, promoted and induced and continues to encourage, promote and induce the infringement of the methods of one or more claims of the '896 patent, by, for example, creating and distributing MicroPort Orthopedics surgical technique guides, brochures, instructions for use and package inserts that explain and set forth procedures and techniques for using MicroPort Orthopedics knee implant systems, implanting MicroPort Orthopedics knee implants, and/or using MicroPort Orthopedics instruments to implant the MicroPort Orthopedics knee implant systems. These surgical technique guides, brochures, instructions for use and package inserts which encourage, promote, teach, induce and set forth the method of infringing one or more claims claim of the '896 patent are for at least the MicroPort Orthopedics ADVANCE Knee System, and associated instruments including, but not limited to, the ODYSSEY instrumentation and PROPHECY guides.

54. On information and belief, MicroPort Orthopedics has encouraged, promoted and induced and continues to encourage, promote and induce the infringement of the methods of one or more claims of the '896 patent, by, for example, designing, manufacturing, offering for sale, selling, distributing and instructing of surgeons, physicians and medical professionals in the use of instruments specially designed and used for implanting MicroPort Orthopedics knee implants, including, but not limited to, the instruments specially designed and used for implanting the MicroPort Orthopedics ADVANCE Knee Systems, including, but not limited to, the ODYSSEY instrumentation and PROPHECY guides.

55. On information and belief, MicroPort Orthopedics has encouraged, promoted and contributed to and continues to encourage, promote and contribute to the infringement of the methods of one or more claims of the '896 patent, by, for example, designing, manufacturing, offering for sale, selling and distributing to surgeons, physicians, medical professionals and healthcare institutions instruments specially designed and used for implanting MicroPort Orthopedics knee implants and instructing surgeons, physicians and medical professionals in the use of these specially designed instruments to implant MicroPort Orthopedics knee implants, including, but not limited to, the instruments specially designed and used for implanting the ADVANCE Knee System, including, but not limited to, the ODYSSEY instrumentation and PROPHECY guides, These specially designed instruments are specifically designed to promote, encourage and assist surgeons and medical professionals in techniques that infringe the methods of one or more claims of the '896 patent, and, on information and belief, these specially designed instruments are not staple articles of commerce and have no substantial non-infringing uses.

56. On information and belief, MicroPort Orthopedics has had and continues to have knowledge of the '896 patent, has been and is aware of the direct infringement of the '896 patent, and has intended and continues to intend to induce and/or contribute to that infringement.

57. Because MicroPort Orthopedics knew of the '896 patent and Bonutti Skeletal's related infringement charges, MicroPort Orthopedics has ignored and/or disregarded that MicroPort Orthopedics' actions constituted infringement of a valid patent and MicroPort Orthopedics continues to ignore and/or disregard an objectively high risk that MicroPort Orthopedics' actions constitute infringement of a valid patent.

58. On information and belief, MicroPort Orthopedics' infringement of the '896 patent is and has been willful and deliberate.

DAMAGES AND RELIEF

59. As a consequence of MicroPort Orthopedics' infringement of the '821 patent, the '229 patent and '896 patent, Bonutti Skeletal has been damaged in an amount not yet determined and will suffer additional irreparable damage unless MicroPort Orthopedics' infringing acts are enjoined by this Court.

PRAYER FOR RELIEF

WHEREFORE, Bonutti Skeletal respectfully requests that the Court enter judgment against MicroPort Orthopedics:

A. Determining that MicroPort Orthopedics has infringed and continues to infringe one or more claims of the '821 patent;

B. Determining that MicroPort Orthopedics has infringed and continues to infringe one or more claims of the '229 patent;

C. Determining that MicroPort Orthopedics has infringed and continues to infringe one or more claims of the '896 patent;

D. Preliminarily and permanently enjoining MicroPort Orthopedics, its respective officers, agents, servants, directors, employees and attorneys, and all persons acting in concert or participation with them, directly or indirectly, or any of them who receive actual notice of the judgment, from further infringing, inducing others to infringe, or contributing to the infringement of the patents-in-suit;

E. Ordering MicroPort Orthopedics to recall and retrieve all infringing products including implant systems and instrument sets utilized in infringing procedures, including all instrument sets which induce or contribute to the infringement of any one of the patents-in-suit;

F. Ordering MicroPort Orthopedics to account for and pay to Bonutti Skeletal all damages suffered by Bonutti Skeletal as a consequence of MicroPort Orthopedics' infringement of the patents-in-suit, together with interest and costs as fixed by the Court;

G. Trebling or otherwise increasing Bonutti Skeletal's damages under U.S.C. § 284 on the grounds that MicroPort Orthopedics' infringement of the patents-in-suit was deliberate and willful;

H. Declaring that this case is exceptional and awarding Bonutti Skeletal its costs and attorneys' fees in accordance with 35 U.S.C. § 285; and

I. Granting Bonutti Skeletal such other and further relief as the Court may deem just and proper.

JURY DEMAND

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Bonutti Skeletal hereby requests a trial by jury for all issues so triable.

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