

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

N SPINE, INC. and  
SYNTHES USA SALES, LLC,

Plaintiffs,

v.

GLOBUS MEDICAL, INC.,

Defendant.

Civil Action No. \_\_\_\_\_

**JURY TRIAL DEMANDED**

**COMPLAINT**

Plaintiffs N Spine, Inc. and Synthes USA Sales, LLC (collectively “Plaintiffs”), by their undersigned attorneys, for their Complaint herein against Defendant Globus Medical, Inc. (“Defendant” or “Globus”), allege upon knowledge with respect to their own acts, and upon information and belief as to other matters, as follows:

**THE PARTIES**

1. Plaintiff N Spine, Inc. (“N Spine”) is a California corporation having its principal place of business at 1302 Wrights Lane East, West Chester, Pennsylvania 19380.
2. Plaintiff Synthes USA Sales, LLC (“Synthes”) is a Delaware limited liability company having a principal place of business at 1302 Wrights Lane East, West Chester, Pennsylvania 19380. Synthes is in the business of, among other things, selling medical devices.
3. Defendant Globus Medical, Inc. is a Delaware corporation. Globus has its principal place of business at Globus Medical, Inc., Valley Forge Business Center, 2560 General Armistead Avenue, Audubon, PA 19403.

**NATURE OF THE ACTION**

4. This action arises under the patent laws of the United States, 35 U.S.C. §§ 101, *et seq.*

**JURISDICTION AND VENUE**

5. This Court has subject matter jurisdiction over the claims asserted herein pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. This Court has personal jurisdiction over Defendant because Defendant is incorporated in this district thereby availing itself of the laws of the State of Delaware and deriving the protections and benefits thereof, and, upon information and belief, regularly transacts business within this judicial district, including sales of the infringing product in Delaware, and has committed acts of patent infringement within this judicial district.

7. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(c) and 1400(b).

**COUNT ONE**  
**INFRINGEMENT OF UNITED STATES PATENT NO. 7,326,210**

8. Plaintiffs incorporate each of the preceding paragraphs of this Complaint as if fully set forth herein.

9. United States Patent No. 7,326,210 (“the ‘210 patent”), entitled “Spinal Stabilization Device,” was duly and lawfully issued by the United States Patent and Trademark Office on Feb. 5, 2008. A copy of the ‘210 patent, which is valid and enforceable, is attached hereto as Exhibit A.

10. Plaintiff N Spine is the assignee of the ‘210 patent.

11. The inventors of the ‘210 patent are Tae-ahn Jahng, Jason Yim and Brian Bowman.

12. Plaintiff Synthes is the exclusive licensee of the ‘210 patent.

13. In violation of 35 U.S.C. § 271 (a)-(c), Defendant has infringed and continues to infringe the '210 patent by making, using, offering for sale or selling within the United States or importing into the United States products that infringe one or more claims of the '210 patent, including but not limited to its TRANSITION® products.

14. Upon information and belief, Defendant's infringement has been with knowledge of the '210 patent and has been willful.

15. Plaintiffs have suffered and will continue to suffer damages and irreparable injuries unless Defendant's infringement of the '210 patent is enjoined.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs N Spine and Synthes respectfully request that this Court enter judgment in their favor and against Globus and grant the following relief:

A. A judgment that Globus has infringed and is infringing the '210 patent directly, or by inducement or contribution, in violation of 35 U.S.C. § 271;

B. A judgment that Globus' infringement of the '210 patent was and continues to be willful;

C. An order, pursuant to 35 U.S.C. § 283, enjoining Globus and all persons in active concert or participation with Globus from any further infringement of the '210 patent;

D. An order, pursuant to 35 U.S.C. § 284, awarding Plaintiffs damages adequate to compensate for Globus' infringement of the '210 patent;

E. An order, pursuant to 35 U.S.C. § 284, trebling all damages awarded to Plaintiffs based on Globus' willful infringement of the '210 patent;

F. An order, pursuant to 28 U.S.C. § 1961 and 35 U.S.C. § 284, awarding to Plaintiffs interest on the damages and its costs incurred from this action;

G. A declaration that this case is exceptional and an award of Plaintiffs' reasonable attorneys' fees and costs in bringing its claims, pursuant to 35 U.S.C. § 285;

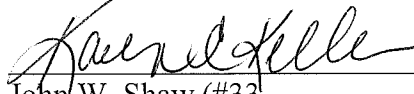
H. An order directing Globus to recall from distribution and destroy its entire stock of infringing products within the United States; and

I. Such other and further relief as the Court may deem just and proper.

**JURY DEMAND**

In accordance with Fed. R. Civ. P. 38 and 39, Plaintiffs asserts their rights under the Seventh Amendment to the United States Constitution and demand a trial by jury on all issues that may be so tried.

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