

## NEWS RELEASE

### **Extremity Medical Files Patent Infringement Lawsuit Against Fusion Orthopedics**

PARSIPPANY, N.J., April 28, 2022 – Extremity Medical, LLC., a global medical device company focused on the development of innovative implants and instruments for upper and lower extremities, announced today that it filed a lawsuit against Fusion Orthopedics, LLC., (Mesa, AZ) alleging infringement of Extremity Medical's patent\* for its intraosseous fixation platform arising from the marketing of the IntraLock™ Lapidus System. The lawsuit lays out willful behavior by Fusion to copy Extremity Medical products. The lawsuit was filed in the United States District Court for the District of Arizona, seeking injunctive relief and damages.

Nathan Peterson (President and Co-Founder, Fusion Orthopedics) was a sales representative of Extremity Medical in the years 2011-2019. He founded Fusion Orthopedics in 2014 and began releasing products similar to Extremity Medical's products, including Extremity's PEEK HammerFiX implant used for hammertoe deformity and its nitinol staple system known as Express. Most recently, Fusion released a product that is similar to Extremity Medical's intraosseous platform known throughout the industry as IOFiX.

“After comparing our patent\* to Fusion's intraosseous platform, Extremity Medical decided to file suit to defend itself against what it believes to be infringement of a patent covering one of its most innovative products,” said Matthew Lyons, CEO, Founder and Chairman of the Board of Extremity Medical. “It is undisputable that Mr. Peterson had intimate knowledge of Extremity Medical's products, which he gained while representing Extremity Medical, and that he also had physical access to the Extremity Medical's unique and patented devices, before starting Fusion Orthopedics.”

Extremity Medical has amassed an intellectual property (IP) portfolio that includes 49 patents in the U.S. and several foreign countries. The novel and patented technology of Extremity's intraosseous fixation platform provides surgeons with a zero-profile solution for fusion and fixation of bones within the upper and lower extremities, with the ability to be implanted through minimal incisions. This technology is currently marketed globally by Extremity Medical under the trade names IO FiX, IO FiX Plus, IO FiX 2.0, IO Freedom, CarpalFiX, ApeX and XMCP.

“Extremity Medical invests a great deal into building and defending its intellectual property portfolio,” said Lyons. “We will not tolerate competitors who blatantly copy our products while infringing on our patent rights. We intend to seek all remedies allowed by law.”

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**About Extremity Medical, LLC**

Extremity Medical, LLC, was founded in 2008, and is a privately held medical device company based in Parsippany, NJ. The company is known for creating innovative implants and instruments for upper and lower extremity orthopedic procedures, including fusion and motion preservation. The company is focused on developing solutions for challenging cases that promote better outcomes, especially in patients with poor bone quality.

\* U.S. Patent No. 11,298,166

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