



## Press Release

### **Critical Facts Surrounding the Recent U.S. Patent Trial and Appeal Board Decision in Favor of Extremity Medical Against Petition from Fusion Orthopedics**

Parsippany, NJ, November 7<sup>th</sup>, 2024 – The following outlines the most critical facts of the U.S. Patent Trial and Appeal Board decision which is favorable to Extremity Medical, allowing its infringement lawsuit against Fusion Orthopedics to continue:

Regarding Claim 11 specifically, it was challenged on two different grounds by Fusion Orthopedics (the Petitioner). Both challenges failed as described in the decision.

Section IV on page 67 of the decision establishes the order of the Board. Claim 11 survives based on the following order:

*“ . . . that Petitioner [Fusion Orthopedics] has not shown by a preponderance of the evidence that claim 11 of the '166 patent is unpatentable;”*

Therefore, claim 11 of Extremity Medical’s ‘166 patent is valid, and **the patent survives** Fusion Orthopedics’ attempt to invalidate it. As documents exchanged between the parties in the lawsuit in the District of Arizona make clear, Fusion is infringing claim 11.

The Board’s decision allows the infringement lawsuit against Fusion to continue.

We encourage the public to review the full decision which supports the survival of patent ‘166: [Link](#)

For more details regarding the case, please visit the following page on the USPTO website: [Link](#)

### **About Extremity Medical**

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 fixation, fusion, and motion preservation. Extremity Medical is focused on developing solutions for challenging cases that promote better outcomes, especially in patients with poor bone quality.