

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

BONUTTI SKELETAL )  
INNOVATIONS LLC, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
WRIGHT MEDICAL GROUP, INC. )  
and WRIGHT MEDICAL )  
TECHNOLOGY, INC., )  
 )  
Defendants. )

Civil Action No. 12-1110 (GMS)

**JURY TRIAL DEMANDED**

**FIRST AMENDED COMPLAINT**

Bonutti Skeletal Innovations LLC (“Bonutti Skeletal”) for its First Amended Complaint hereby asserts claims of patent infringement against Wright Medical Group, Inc. and Wright Medical Technology, Inc. (collectively, “Wright Medical” or “Defendants”), 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, Wright Medical Group, Inc. is a Delaware corporation having a place of business at 5677 Airline Road, Arlington, TN 38002.
3. On information and belief, Wright Medical Technology, Inc. is a Delaware corporation having a place of business at 5677 Airline Road, Arlington, TN 38002.
4. On information and belief, Wright Medical Technology, Inc. is a wholly owned subsidiary of Wright Medical Group, Inc.

**PATENTS-IN-SUIT**

5. 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 as Exhibit A.

6. U.S. Patent No. 8,133,229 (“the ’229 patent”), entitled “Knee Arthroplasty Method,” was lawfully issued on March 13, 2012 to the inventor 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 as Exhibit B.

7. 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 as Exhibit C.

**BACKGROUND**

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

9. 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”).

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

11. Wright Medical is a competitor in the Orthopedics industry and in particular in the joint replacement industry. On information and belief, Wright Medical 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

12. On information and belief, Wright Medical 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 Wright Medical knee implant systems including, but not limited to, the LINK Sled Prosthesis system and ADVANCE Knee System.

13. On information and belief, Wright Medical 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 Wright Medical surgical instruments, including minimally invasive instruments, for implanting Wright Medical knee implant systems including, but not limited to, MITUS (Minimally Invasive Technique of Unicondylar Sled Prosthesis) Instruments, ODYSSEY instrumentation, and PROPHECY guides.

14. On information and belief, Wright Medical further offers courses to surgeons and medical professionals with a focus on the use of the Wright Medical (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.

15. At least as early as December 10, 2003, Dr. Bonutti and/or representatives of Dr. Bonutti were in communication with Wright Medical relating to Dr. Bonutti's intellectual property rights.

16. Wright Medical regularly applies for patents on the joint replacement implants and instruments it makes and sells, including patents covering the surgical techniques that use these instruments to implant Wright Medical joint replacement systems. Wright Medical owns over 100 patents and pending patent applications.

17. Wright Medical has hired dedicated patent counsel to assist with its joint replacement and orthopedic business. Wright Medical marks its products and/or product-literature, including its joint replacement systems, such as, for example, its knee replacement systems, with its patents. Wright Medical has patents that reference and cite to Dr. Bonutti's patents. On information and belief, Wright Medical is knowledgeable about patents at least from its business operations.

18. Wright Medical, on information and belief, like most competitors in the joint replacement market, regularly monitors the patent literature including issued patents and published patent applications, and, like most competitors, throughout the cycle of researching, developing, commercializing, and marketing products, techniques and/or instrumentation systems, searches the patent literature and published patent applications and obtains opinions and advice from patent counsel on the patents and published applications it finds as a result of its monitoring and searching efforts.

19. On information and belief, as a result of this contact and communication between Dr. Bonutti and Wright Medical, and the activities of Wright Medical in the field of joint replacement, revision and reconstruction and knee implants, including its patent activities whereby it monitors and searches the patent literature, Wright Medical was aware of the patenting activities of Dr. Bonutti and had knowledge of Dr. Bonutti's patent portfolio, including the patents-in-suit.

### JURISDICTION AND VENUE

20. 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.

21. This Court has personal jurisdiction over Defendants because, among other things, Defendants are both Delaware corporations and are thus subject to personal jurisdiction in this District, and because, on information and belief, Defendants engage in substantial and ongoing business in this District.

22. On information and belief, Defendants offer to sell, sell and distribute their 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, Defendants' 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, Defendants, independently and/or collectively, have committed, contributed to and/or induced acts of patent infringement within this District.

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

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