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**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

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US DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO, FLORIDA

BONUTTI SKELETAL INNOVATIONS LLC,

Plaintiff,

Civil Action No. *6:12-CV-1379-ORL-22-TBS*

v.

JURY TRIAL DEMANDED

LINVATEC CORPORATION AND CONMED
CORPORATION,

Defendants.

COMPLAINT

Bonutti Skeletal Innovations LLC ("Bonutti Skeletal") hereby asserts claims of patent infringement against Linvatec Corporation and ConMed Corporation (collectively, "ConMed" 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, Texas 75034.
2. On information and belief, Linvatec Corporation, *d/b/a* ConMed Linvatec, is a Florida corporation having its principal place of business at 11311 Concept Blvd., Largo, Florida 33773.
3. On information and belief, Linvatec Corporation is a wholly-owned subsidiary of ConMed Corporation.
4. On information and belief, ConMed Corporation is a New York corporation having a place of business at 525 French Road, Utica, New York 13502.

PATENTS-IN-SUIT

5. U.S. Patent No. 5,527,343 (“the ’343 patent”), entitled “Suture Anchor,” was lawfully issued on June 18, 1996 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 ’343 patent by the accused products and the use thereof. A copy of the ’343 patent is attached as **Exhibit A**.

6. U.S. Patent No. 7,087,073 (“the ’073 patent”), entitled “Method of Securing of Body Tissue,” was lawfully issued on August 8, 2006 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 ’073 patent by the accused products and the use thereof. A copy of the ’073 patent is attached as **Exhibit B**.

7. U.S. Patent No. 5,814,072 (“the ’072 patent”), entitled “Method and Apparatus For Use In Anchoring A Suture,” was lawfully issued on September 29, 1998 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 ’072 patent by the accused products and the use thereof. A copy of the ’072 patent is attached as **Exhibit C**.

8. U.S. Patent No. 5,921,986 (“the ’986 patent”), entitled “Bone Suture,” was lawfully issued on July 13, 1999 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 ’986 patent by the accused products and the use thereof. A copy of the ’986 patent is attached as **Exhibit D**.

9. U.S. Patent No. 8,147,514 (“the ’514 patent”), entitled “Apparatus and Method For Securing A Portion Of A Body,” was lawfully issued on April 3, 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 '514 patent by the accused products and the use thereof. A copy of the '514 patent is attached as **Exhibit E**.

10. U.S. Patent No. 5,980,559 ("the '559 patent"), entitled "Suture Anchor," was lawfully issued on November 9, 1999 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 '559 patent by the accused products and the use thereof. A copy of the '559 patent is attached as **Exhibit F**.

11. U.S. Patent No. 6,500,195 ("the '195 patent"), entitled "Method And Apparatus For Anchoring A Suture," was lawfully issued on December 31, 2002 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 '195 patent by the accused products and the use thereof. A copy of the '195 patent is attached as **Exhibit G**.

12. U.S. Patent No. 6,638,279 ("the '279 patent"), entitled "Method Of Positioning Body Tissue Relative To A Bone," was lawfully issued on October 28, 2003 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 '279 patent by the accused products and the use thereof. A copy of the '279 patent is attached as **Exhibit H**.

13. U.S. Patent No. 5,718,717 ("the '717 patent"), entitled "Suture Anchor," was lawfully issued on February 17, 1998 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 '717 patent by the accused products and the use thereof. A copy of the '717 patent is attached as **Exhibit I**.

BACKGROUND

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

15. Because of Dr. Bonutti's expertise, insights, experience and research efforts, Dr. Bonutti is an inventor or co-inventor of over 150 U.S. patents, including the '343 patent, the '073 patent, the '072 patent, the '986 patent, the '514 patent, the '559 patent, the '195 patent, the '279 patent and the '717 patent (collectively, "the patents-in-suit").

16. The patents-in-suit involve specialized procedures, instruments, systems, kits and apparatuses invented by Dr. Bonutti relating to suture anchors and suture anchor related instruments used in certain surgical procedures, including, for example, bone and joint fixation and body-tissue re-attachment.

17. On information and belief, ConMed designs, develops, manufactures, offers for sale, sells, uses, distributes and markets suture anchors and/or suture anchor related instruments and products used in such surgical procedures.

18. On information and belief, ConMed creates, distributes and otherwise makes available to surgeons and the public at large instructions for use and/or videos on surgical techniques, including, but not limited to, the Linvatec SRS Shoulder Restoration System, which use ConMed suture anchors and/or suture anchor related instruments and products, including, but not limited to, ConMed Impact, CrossFT, PopLok, XO- Button, Paladin, Duet, Bio Mini Revo, Presto, Bio-Anchor and Y-Knot products.

19. At least as early as 2005, Dr. Bonutti, either directly or through representatives, was in communication with certain ConMed entities regarding certain of Dr. Bonutti's intellectual property rights.

20. On information and belief, as a result of this contact and communication between Dr. Bonutti and ConMed, as well as the activities of ConMed in the field of suture anchors, ConMed was aware of the patenting activities of Dr. Bonutti and had knowledge of Dr. Bonutti's patent portfolio and the patents-in-suit.

JURISDICTION AND VENUE

21. 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.

22. This Court has personal jurisdiction over Defendants because, among other things, on information and belief, Linvatec Corporation is a Florida corporation, has its principal place of business in this District and is engaged in substantial and not isolated activity within this District and, on information and belief, ConMed Corporation directs and/or controls the activities of Linvatec Corporation and as a result carries on substantial and not isolated activity and business within this District.

23. On information and belief, Defendants operate, conduct, engage in and carry on a business or business venture in this District and have an office or agency in this District out of which this cause of action arises.

24. On information and belief, Defendants offer to sell, sell and distribute their suture anchors and/or suture anchor related instruments and products, which either infringe one or more 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' suture anchors and/or suture anchor related instruments and products are used, including 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.

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

COUNT I – INFRINGEMENT OF THE '343 PATENT

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

27. On information and belief, Defendants, directly or through the actions of its employees, divisions and/or subsidiaries, have infringed and continue to infringe the '343 patent directly, indirectly (by inducing infringement by others or contributing to infringement), jointly, literally and/or equivalently.

28. On information and belief, Defendants have infringed and continue to infringe the '343 patent, directly, indirectly, jointly, literally and/or by equivalents, by, among other things, making, using, offering for sale, selling and/or importing within the United States suture anchors and/or suture anchor related instruments and products for use in a manner that practices the method of at least claim 1 of the '343 patent, and/or by, among other things, instructing and encouraging medical professionals to use ConMed suture anchors and/or suture anchor related instruments and products in a manner that practices the method of at least claim 1 of the '343 patent. The suture anchors and products include, but are not limited to, ConMed Impact products, and associated instruments, products and surgical technique guides.

29. On information and belief, surgeons, physicians and medical professionals have infringed and continue to infringe the '343 patent, directly, indirectly, jointly, literally and by equivalents, by, among other things, using ConMed suture anchors and/or suture anchor related

instruments and products, including, but not limited to, ConMed Impact products, in the United States in a manner that practices the method of at least claim 1 of the '343 patent.

30. On information and belief, Defendants had and continue to have knowledge and are aware of Dr. Bonutti's patents, including the '343 patent.

31. On information and belief, Defendants have infringed and continue to infringe the '343 patent, directly, indirectly, jointly, literally and 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 within the United States ConMed suture anchors and/or suture anchor related instruments and products in a manner that practices the method of at least claim 1 of the '343 patent, by, for example, creating and distributing instructions for use and surgical technique guides for ConMed suture anchors and/or suture anchor related instruments and products, including, but not limited to, ConMed Impact products, that instruct use of these ConMed products in a manner that practices the method of at least claim 1 of the '343 patent, and by designing, manufacturing, offering for sale, selling and instructing of surgeons, physicians and medical professionals in the use of suture anchor related instruments and products for use with ConMed suture anchors, including, but not limited to, ConMed Impact products, that are specially designed for use in and are used in a manner that practices the method of at least claim 1 of the '343 patent.

32. On information and belief, Defendants' infringement of the '343 patent is and has been willful and deliberate.

COUNT II – INFRINGEMENT OF THE '073 PATENT

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

34. On information and belief, Defendants, directly or through the actions of its employees, divisions and/or subsidiaries, have infringed and continue to infringe the '073 patent directly, indirectly (by inducing infringement by others or contributing to infringement), jointly, literally and/or equivalently.

35. On information and belief, Defendants have infringed and continue to infringe the '073 patent, directly, indirectly, jointly, literally and/or by equivalents, by, among other things, making, using, offering for sale, selling and/or importing within the United States suture anchors and/or suture anchor related instruments and products for use in a manner that practices the method of at least claims 35 and/or 39 of the '073 patent, and/or by, among other things, instructing and encouraging medical professionals to use ConMed suture anchors and/or suture anchor related instruments and products in a manner that practices the method of at least claims 35 and/or 39 of the '073 patent. The suture anchors and products include, but are not limited to, ConMed CrossFT and PopLok products, and associated instruments, products and surgical technique guides, including, but not limited to, those for the Linvatec SRS Shoulder Restoration System.

36. On information and belief, surgeons, physicians and medical professionals have infringed and continue to infringe the '073 patent, directly, indirectly, jointly, literally and by equivalents, by, among other things, using ConMed suture anchors and/or suture anchor related instruments and products, including, but not limited to, ConMed CrossFT and PopLok products, in the United States a manner that practices the method of at least claims 35 and/or 39 of the '073 patent.

37. On information and belief, Defendants had and continue to have knowledge and are aware of Dr. Bonutti's patents, including the '073 patent.

38. On information and belief, Defendants have infringed and continue to infringe the '073 patent, directly, indirectly, jointly, literally and 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 within the United States ConMed suture anchors and/or suture anchor related instruments and products in a manner that practices the method of at least claims 35 and/or 39 of the '073 patent, by, for example, creating and distributing instructions for use and surgical technique guides, including, but not limited to, the Linvatec SRS Shoulder Restoration System surgical technique guide, for ConMed suture anchors and/or suture anchor related instruments and products, including, but not limited to, ConMed CrossFT and PopLok products, that instruct use of these ConMed products in a manner that practices the method of at least claims 35 and/or 39 of the '073 patent, and by designing, manufacturing, offering for sale, selling and instructing of surgeons, physicians and medical professionals in the use of suture anchor related instruments and products for use with ConMed suture anchors, including, but not limited to, ConMed CrossFT and PopLok products, that are specially designed for use in and are used in a manner that practices the method of at least claims 35 and/or 39 of the '073 patent.

39. On information and belief, Defendants' infringement of the '073 patent is and has been willful and deliberate.

COUNT III – INFRINGEMENT OF THE '072 PATENT

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

41. On information and belief, Defendants, directly or through the actions of its employees, divisions and/or subsidiaries, have infringed and continue to infringe the '072 patent

directly, indirectly (by inducing infringement by others or contributing to infringement), jointly, literally and/or equivalently.

42. On information and belief, Defendants have infringed and continue to infringe the '072 patent, directly, indirectly, jointly, literally and/or by equivalents, by, among other things, making, using, offering for sale, selling and/or importing within the United States suture anchors and/or suture anchor related instruments and products for use in a manner that practices the method of at least claims 1 and/or 14 of the '072 patent, and/or by, among other things, instructing and encouraging medical professionals to use ConMed suture anchors and/or suture anchor related instruments and products in a manner that practices the method of at least claims 1 and/or 14 of the '072 patent. The suture anchors and products include, but are not limited to, ConMed PopLok products, and associated instruments, products and surgical technique guides, including, but not limited to, those for the Linvatec SRS Shoulder Restoration System.

43. On information and belief, surgeons, physicians and medical professionals have infringed and continue to infringe the '072 patent, directly, indirectly, jointly, literally and by equivalents, by, among other things, using ConMed suture anchors and/or suture anchor related instruments and products, including, but not limited to, ConMed PopLok products, in the United States in a manner that practices the method of at least claims 1 and/or 14 of the '072 patent.

44. On information and belief, Defendants had and continue to have knowledge and are aware of Dr. Bonutti's patents, including the '072 patent.

45. On information and belief, Defendants have infringed and continue to infringe the '072 patent, directly, indirectly, jointly, literally and 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 within the United

States ConMed suture anchors and/or suture anchor related instruments and products in a manner that practices the method of at least claims 1 and/or 14 of the '072 patent, by, for example, creating and distributing instructions for use and surgical technique guides, including, but not limited to, the Linvatec SRS Shoulder Restoration System surgical technique guide, for ConMed suture anchors and/or suture anchor related instruments and products, including, but not limited to, ConMed PopLok products, that instruct use of these ConMed products in a manner that practices the method of at least claims 1 and/or 14 of the '072 patent, and by designing, manufacturing, offering for sale, selling and instructing of surgeons, physicians and medical professionals in the use of suture anchor related instruments and products for use with ConMed suture anchors, including, but not limited to, ConMed PopLok products, that are specially designed for use in and are used in a manner that practices the method of at least claims 1 and/or 14 of the '072 patent.

46. On information and belief, Defendants' infringement of the '072 patent is and has been willful and deliberate.

COUNT IV – INFRINGEMENT OF THE '986 PATENT

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

48. On information and belief, Defendants, directly or through the actions of its employees, divisions and/or subsidiaries, have infringed and continue to infringe the '986 patent directly, indirectly (by inducing infringement by others or contributing to infringement), jointly, literally and/or equivalently.

49. On information and belief, Defendants have infringed and continue to infringe the '986 patent, directly, indirectly, jointly, literally and/or by equivalents, by, among other things,

making, using, offering for sale, selling and/or importing within the United States suture anchors and/or suture anchor related instruments and products for use in a manner that practices the method of at least claims 64 and/or 76 of the '986 patent, and/or by, among other things, instructing and encouraging medical professionals to use ConMed suture anchors and/or suture anchor related instruments and products in a manner that practices the method of at least claims 64 and/or 76 of the '986 patent. The suture anchors and products include, but are not limited to, the XO-Button, and associated instruments, products and surgical technique guides, including, but not limited to, those pertaining to ACL and PCL reconstructions.

50. On information and belief, surgeons, physicians and medical professionals have infringed and continue to infringe the '986 patent, directly, indirectly, jointly, literally and by equivalents, by, among other things, using ConMed suture anchors and/or suture anchor related instruments and products, including, but not limited to, the XO- Button, in the United States in a manner that practices the method of at least claims 64 and/or 76 of the '986 patent.

51. On information and belief, Defendants had and continue to have knowledge and are aware of Dr. Bonutti's patents, including the '986 patent.

52. On information and belief, Defendants have infringed and continue to infringe the '986 patent, directly, indirectly, jointly, literally and 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 within the United States ConMed suture anchors and/or suture anchor related instruments and products in a manner that practices the method of at least claims 64 and/or 76 of the '986 patent, by, for example, creating and distributing instructions for use and surgical technique guides, including, but not limited to, those pertaining to ACL and PCL reconstructions, for ConMed suture anchors and/or

suture anchor related instruments and products, including, but not limited to, the XO- Button, that instruct use of these ConMed products in a manner that practices the method of at least claims 64 and/or 76 of the '986 patent, and by designing, manufacturing, offering for sale, selling and instructing of surgeons, physicians and medical professionals in the use of suture anchor related instruments and products for use with ConMed suture anchors, including, but not limited to, the XO- Button, that are specially designed for use in and are used in a manner that practices the method of at least claims 64 and/or 76 of the '986 patent.

53. On information and belief, Defendants' infringement of the '986 patent is and has been willful and deliberate.

COUNT V – INFRINGEMENT OF THE '514 PATENT

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

55. On information and belief, Defendants, directly or through the actions of its employees, divisions and/or subsidiaries, have infringed and continue to infringe the '514 patent directly, indirectly (by inducing infringement by others or contributing to infringement), jointly, literally and/or equivalently.

56. On information and belief, Defendants have infringed and continue to infringe the '514 patent, directly, indirectly, jointly, literally and/or by equivalents, by, among other things, making, using, offering for sale, selling and/or importing within the United States suture anchors and/or suture anchor related instruments and products embodying at least claims 1 and/or 29 of the '514 patent, and/or by, among other things, instructing and encouraging medical professionals to use ConMed suture anchors and/or suture anchor related instruments and products embodying at least claims 1 and/or 29 of the '514 patent. The suture anchors and

products include, but are not limited to, the XO- Button, and associated instruments, products and surgical technique guides.

57. On information and belief, surgeons, physicians and medical professionals have infringed and continue to infringe the '514 patent, directly, indirectly, jointly, literally and by equivalents, by, among other things, using in the United States ConMed suture anchors and/or suture anchor related instruments and products, including, but not limited to, the XO- Button, that embody at least claims 1 and/or 29 of the '514 patent.

58. On information and belief, Defendants had and continue to have knowledge and are aware of Dr. Bonutti's patents, including the '514 patent.

59. On information and belief, Defendants have infringed and continue to infringe the '514 patent, directly, indirectly, jointly, literally and by equivalents, by, among other things, encouraging, instructing, contributing to the infringement of, and otherwise encouraging, promoting and inducing others to make, use, offer for sale, sell and/or import within the United States ConMed suture anchors and/or suture anchor related instruments and products embodying at least claims 1 and/or 29 of the '514 patent, by, for example, promoting, offering to sell, selling and/or distributing ConMed suture anchors and/or suture anchor related products, including, but not limited to, the XO- Button, that embody at least claims 1 and/or 29 of the '514 patent, by creating and distributing instructions for use and surgical technique guides for ConMed suture anchors and/or suture anchor related instruments and products, including, but not limited to, the XO- Button, that embody at least claims 1 and/or 29 of the '514 patent, and by designing, manufacturing, promoting, offering for sale, selling and instructing surgeons, physicians and medical professionals in the use of suture anchor related instruments and products specially

designed to promote use of ConMed suture anchors, including, but not limited to, the XO-Button, that embody at least claims 1 and/or 29 of the '514 patent.

60. On information and belief, Defendants' infringement of the '514 patent is and has been willful and deliberate.

COUNT VI – INFRINGEMENT OF THE '559 PATENT

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

62. On information and belief, Defendants, directly or through the actions of its employees, divisions and/or subsidiaries, have infringed and continue to infringe the '559 patent directly, indirectly (by inducing infringement by others or contributing to infringement), jointly, literally and/or equivalently.

63. On information and belief, Defendants have infringed and continue to infringe the '559 patent, directly, indirectly, jointly, literally and/or by equivalents, by, among other things, making, using, offering for sale, selling and/or importing within the United States suture anchors and/or suture anchor related instruments and products embodying at least claims 24, 34, and/or 47 of the '559 patent, and/or by, among other things, instructing and encouraging medical professionals to use ConMed suture anchors and/or suture anchor related instruments and products embodying at least claims 24, 34, and/or 47 of the '559 patent. The suture anchors and products include, but are not limited to, the Impact suture anchor, the Paladin suture anchor, the Duet suture anchor, the Bio Mini Revo suture anchor, the Presto and the Bio-Anchor, and associated instruments, products and surgical technique guides.

64. On information and belief, surgeons, physicians and medical professionals have infringed and continue to infringe the '559 patent, directly, indirectly, jointly, literally and by

equivalents, by, among other things, using in the United States ConMed suture anchors and/or suture anchor related instruments and products, including, but not limited to, the Impact suture anchor, the Paladin suture anchor, the Duet suture anchor, the Bio Mini Revo suture anchor, the Presto and the Bio-Anchor, that embody at least claims 24, 34, and/or 47 of the '559 patent.

65. On information and belief, Defendants had and continue to have knowledge and are aware of Dr. Bonutti's patents, including the '559 patent.

66. On information and belief, Defendants have infringed and continue to infringe the '559 patent, directly, indirectly, jointly, literally and by equivalents, by, among other things, encouraging, instructing, contributing to the infringement of, and otherwise encouraging, promoting and inducing others to make, use, offer for sale, sell and/or import within the United States ConMed suture anchors and/or suture anchor related instruments and products embodying at least claims 24, 34, and/or 47 of the '559 patent, by, for example, promoting, offering to sell, selling and/or distributing ConMed suture anchors and/or suture anchor related products, including, but not limited to, the Impact suture anchor, the Paladin suture anchor, the Duet suture anchor, the Bio Mini Revo suture anchor, the Presto and the Bio-Anchor, that embody at least claims 24, 34, and/or 47 of the '559 patent, by creating and distributing instructions for use and surgical technique guides for ConMed suture anchors and/or suture anchor related instruments and products, including, but not limited to, the Impact suture anchor, the Paladin suture anchor, the Duet suture anchor, the Bio Mini Revo suture anchor, the Presto and the Bio-Anchor, that embody at least claims 24, 34, and/or 47 of the '559 patent, and by designing, manufacturing, promoting, offering for sale, selling and instructing surgeons, physicians and medical professionals in the use of suture anchor related instruments and products specially designed to promote use of ConMed suture anchors, including, but not limited to, the Impact suture anchor,

the Paladin suture anchor, the Duet suture anchor, the Bio Mini Revo suture anchor, the Presto and the Bio-Anchor, that embody at least claims 24, 34 and/or 47 of the '559 patent.

67. On information and belief, Defendants' infringement of the '559 patent is and has been willful and deliberate.

COUNT VII – INFRINGEMENT OF THE '195 PATENT

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

69. On information and belief, Defendants, directly or through the actions of its employees, divisions and/or subsidiaries, have infringed and continue to infringe the '195 patent directly, indirectly (by inducing infringement by others or contributing to infringement), jointly, literally and/or equivalently.

70. On information and belief, Defendants have infringed and continue to infringe the '195 patent, directly, indirectly, jointly, literally and/or by equivalents, by, among other things, making, using, offering for sale, selling and/or importing within the United States suture anchors and/or suture anchor related instruments and products for use in a manner that practices the method of at least claim 8 of the '195 patent, and/or by, among other things, instructing and encouraging medical professionals to use ConMed suture anchors and/or suture anchor related instruments and products in a manner that practices the method of at least claim 8 of the '195 patent. The suture anchors and products include, but are not limited to, ConMed Y-Knot products, and associated instruments, products and surgical technique guides, including, but not limited to, those for the Linvatec SRS Shoulder Restoration System.

71. On information and belief, surgeons, physicians and medical professionals have infringed and continue to infringe the '195 patent, directly, indirectly, jointly, literally and by

equivalents, by, among other things, using ConMed suture anchors and/or suture anchor related instruments and products, including, but not limited to, ConMed Y-Knot products, in the United States a manner that practices the method of at least claim 8 of the '195 patent.

72. On information and belief, Defendants had and continue to have knowledge and are aware of Dr. Bonutti's patents, including the '195 patent.

73. On information and belief, Defendants have infringed and continue to infringe the '195 patent, directly, indirectly, jointly, literally and 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 within the United States ConMed suture anchors and/or suture anchor related instruments and products in a manner that practices the method of at least claim 8 of the '195 patent, by, for example, creating and distributing instructions for use and surgical technique guides, including, but not limited to, the Linvatec SRS Shoulder Restoration System surgical technique guide, for ConMed suture anchors and/or suture anchor related instruments and products, including, but not limited to, ConMed Y-Knot products, that instruct use of these ConMed products in a manner that practices the method of at least claim 8 of the '195 patent, and by designing, manufacturing, offering for sale, selling and instructing of surgeons, physicians and medical professionals in the use of suture anchor related instruments and products for use with ConMed suture anchors, including, but not limited to, ConMed Y-Knot products, that are specially designed for use in and are used in a manner that practices the method of at least claim 8 of the '195 patent.

74. On information and belief, Defendants' infringement of the '195 patent is and has been willful and deliberate.

COUNT VIII – INFRINGEMENT OF THE '279 PATENT

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

76. On information and belief, Defendants, directly or through the actions of its employees, divisions and/or subsidiaries, have infringed and continue to infringe the '279 patent directly, indirectly (by inducing infringement by others or contributing to infringement), jointly, literally and/or equivalently.

77. On information and belief, Defendants have infringed and continue to infringe the '279 patent, directly, indirectly, jointly, literally and/or by equivalents, by, among other things, making, using, offering for sale, selling and/or importing within the United States suture anchors and/or suture anchor related instruments and products for use in a manner that practices the method of at least claim 6 of the '279 patent, and/or by, among other things, instructing and encouraging medical professionals to use ConMed suture anchors and/or suture anchor related instruments and products in a manner that practices the method of at least claim 6 of the '279 patent. The suture anchors and products include, but are not limited to, the XO- Button, and associated instruments and surgical technique guides.

78. On information and belief, surgeons, physicians and medical professionals have infringed and continue to infringe the '279 patent, directly, indirectly, jointly, literally and by equivalents, by, among other things, using ConMed suture anchors and/or suture anchor related instruments and products, including, but not limited to, the XO- Button, in the United States a manner that practices the method of at least claim 6 of the '279 patent.

79. On information and belief, Defendants had and continue to have knowledge and are aware of Dr. Bonutti's patents, including the '279 patent.

80. On information and belief, Defendants have infringed and continue to infringe the '279 patent, directly, indirectly, jointly, literally and 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 within the United States ConMed suture anchors and/or suture anchor related instruments and products in a manner that practices the method of at least claim 6 of the '279 patent, by, for example, creating and distributing instructions for use and surgical technique guides for ConMed suture anchors and/or suture anchor related instruments and products, including, but not limited to, the XO- Button, that instruct use of these ConMed products in a manner that practices the method of at least claim 6 of the '279 patent, and by designing, manufacturing, offering for sale, selling and instructing of surgeons, physicians and medical professionals in the use of suture anchor related instruments and products for use with ConMed suture anchors, including, but not limited to, the XO- Button, that are specially designed for use in and are used in a manner that practices the method of at least claim 6 of the '279 patent.

81. On information and belief, Defendants' infringement of the '279 patent is and has been willful and deliberate.

COUNT IX – INFRINGEMENT OF THE '717 PATENT

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

83. On information and belief, Defendants, directly or through the actions of its employees, divisions and/or subsidiaries, have infringed and continue to infringe the '717 patent directly, indirectly (by inducing infringement by others or contributing to infringement), jointly, literally and/or equivalently.

84. On information and belief, Defendants have infringed and continue to infringe the '717 patent, directly, indirectly, jointly, literally and/or by equivalents, by, among other things, making, using, offering for sale, selling and/or importing within the United States suture anchors and/or suture anchor related instruments and products for use in a manner that practices the method of at least claim 93 of the '717 patent, and/or by, among other things, using (and/or instructing and encouraging medical professionals to use) ConMed suture anchors and/or suture anchor related instruments and products in a manner that practices the method of at least claim 93 of the '717 patent. The suture anchors and products include, but are not limited to, ConMed Impact products, and associated instruments, products and surgical technique guides.

85. On information and belief, surgeons, physicians and medical professionals have infringed and continue to infringe the '717 patent, directly, indirectly, jointly, literally and by equivalents, by, among other things, using ConMed suture anchors and/or suture anchor related instruments and products, including, but not limited to, ConMed Impact products, in the United States a manner that practices the method of at least claim 93 of the '717 patent.

86. On information and belief, Defendants had and continue to have knowledge and are aware of Dr. Bonutti's patents, including the '717 patent.

87. On information and belief, Defendants have infringed and continue to infringe the '717 patent, directly, indirectly, jointly, literally and 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 within the United States ConMed suture anchors and/or suture anchor related instruments and products in a manner that practices the method of at least claim 93 of the '717 patent, by, for example, creating and distributing instructions for use and surgical technique guides for ConMed suture anchors and/or

suture anchor related instruments and products, including, but not limited to, ConMed Impact products, that instruct use of these ConMed products in a manner that practices the method of at least claim 93 of the '717 patent, and by designing, manufacturing, offering for sale, selling and instructing of surgeons, physicians and medical professionals in the use of suture anchor related instruments and products for use with ConMed suture anchors, including, but not limited to, ConMed Impact products, that are specially designed for use in and used in a manner that practices the method of at least claim 93 of the '717 patent.

88. On information and belief, Defendants' infringement of the '717 patent is and has been willful and deliberate.

DAMAGES AND RELIEF

89. As a consequence of Defendants' infringement of the patents-in-suit, Bonutti Skeletal has been damaged in an amount not yet determined and will suffer additional irreparable damage unless Defendants' infringing acts are enjoined by this Court.

PRAYER FOR RELIEF

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

A. Determining that Defendants have infringed and continues to infringe one or more claims of the '343 patent;

B. Determining that Defendants have infringed and continues to infringe one or more claims of the '073 patent;

C. Determining that Defendants have infringed and continues to infringe one or more claims of the '072 patent;

D. Determining that Defendants have infringed and continues to infringe one or more claims of the '986 patent;

E. Determining that Defendants have infringed and continues to infringe one or more claims of the '514 patent;

F. Determining that Defendants have infringed and continues to infringe one or more claims of the '559 patent;

G. Determining that Defendants have infringed and continues to infringe one or more claims of the '195 patent;

H. Determining that Defendants have infringed and continues to infringe one or more claims of the '279 patent;

I. Determining that Defendants have infringed and continues to infringe one or more claims of the '717 patent;

J. Preliminarily and permanently enjoining Defendants, its respective officers, agents, servants, directors, employees and attorneys, and all persons acting in concert or participation with it, 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;

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

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

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

N. 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.

Dated: September 10, 2012

STROOCK & STROOCK & LAVAN LLP
Attorneys for Bonutti Skeletal Innovations LLC
Southeast Financial Center
200 South Biscayne Blvd., Suite 3100
Miami, Florida 33131-5323
Telephone: (305) 358-9900
Facsimile: (305) 416-2888
jsammataro@stroock.com

By: 

James G. Sammataro, Esq.
Florida Bar No. 0520292

Of counsel:

STROOCK & STROOCK & LAVAN LLP
Brian M. Rothery, Esq.¹
Steven B. Pokotilow, Esq.
Deepal S. Chadha, Esq.
180 Maiden Lane
New York, New York 10038
Telephone: (212) 806-5400

¹ Applications for the *pro hac vice* admission of Messrs. Rothery, Pokotilow and Chadha will be filed in short order.