



Press Release

**The U.S. Patent Trial & Appeal Board Rules in Favor of Extremity Medical on Key Patent Claim, Despite Challenge by Fusion Orthopedics.**

Parsippany, NJ, November 5<sup>th</sup>, 2024 – Extremity Medical, a global medical device company with expertise in innovative products for upper and lower extremities, is pleased to report that our U.S. Patent No. 11,298,166 covering our innovative three component Intraosseous Fixation (IO FiX) bone fixation system survived a challenge by Fusion Orthopedics at the U.S. Patent Trial and Appeal Board (“PTAB”). The parties’ dispute over the ‘166 Patent arose when Fusion started selling its IntraLock Bone Fixation System, which contends infringes the ‘166 Patent. Extremity Medical filed a lawsuit in the U.S. District Court for the District of Arizona against Fusion to stop this infringement. In response to Extremity Medical’s lawsuit, Fusion filed a petition for *inter partes* review (“IPR”) with the PTAB, challenging the validity of the ‘166 Patent.

On November 4<sup>th</sup>, 2024, the PTAB issued its Final Written Decision concluding most significantly that Claim 11 of the ‘166 Patent is **patentable** over all the prior art cited in Fusion Orthopedics’ petition, and therefore, not invalid as Fusion contended. The PTAB also found that Fusion Orthopedic completely failed to explain why a person of ordinary skill in the art would have been motivated to combine the cited prior art to arrive at the claimed invention of Claim 11. These failures proved to be fatal to Fusion Orthopedics’ invalidity challenge.

Now that the patent has survived the IPR, the next step in the case is likely to be that the matter will be referred back to the District Court of Arizona for a determination of infringement by Fusion.

“Extremity Medical invests significantly in intellectual property and intends to vigorously enforce its rights as needed”, Matthew Lyons, Chairman and CEO.

**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.