IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

SYNTHES USA, LLC, SYNTHES USA PRODUCTS, LLC and SYNTHES USA SALES, LLC, Plaintiffs, v. GLOBUS MEDICAL, INC., Defendant.	Civil Action No. _____ **JURY TRIAL DEMANDED**

COMPLAINT

Plaintiffs Synthes USA, LLC; Synthes USA Products, LLC; and Synthes USA Sales, LLC (collectively "Synthes"), by its undersigned attorneys, for its Complaint herein against Defendant Globus Medical, Inc. ("Globus"), alleges upon knowledge with respect to its own acts, and upon information and belief as to other matters, as follows:

THE PARTIES

1. Synthes USA, LLC is a Delaware limited liability company having a principal place of business at 1051 Synthes Avenue, Monument, Colorado 80132. Synthes USA, LLC is in the medical device business. Synthes USA, LLC is the assignee of United States Patent Nos. 7,846,207 ("the '207 patent"), 7,862,616 ("the '616 patent") and 7,875,076 ("the '076 patent").

2. Synthes USA Products, LLC is a Delaware limited liability company having a principal place of business at 1302 Wrights Lane East, West Chester, Pennsylvania 19380. Synthes USA Products, LLC is in the medical device business. Synthes USA Products, LLC is the exclusive licensee for manufacturing products.

3. Synthes USA Sales, LLC is a Delaware limited liability company having a principal place of business at 1302 Wrights Lane East, West Chester, Pennsylvania 19380. Synthes USA Sales, LLC is in the medical device business. Synthes USA Sales, LLC is the exclusive licensee for selling products.

4. Globus is a Delaware corporation having a principal place of business at Valley Forge Business Center, 2560 General Armistead Avenue, Audubon, Pennsylvania 19403.

NATURE OF THE ACTION

5. This action arises under the patent laws of the United States, 35 U.S.C. § 1, *et seq.*

JURISDICTION AND VENUE

6. This Court has jurisdiction over the claims asserted herein pursuant to 28 U.S.C. §§ 1331 and 1338(a).

7. This Court has personal jurisdiction over Globus because Globus is incorporated in this district thereby availing itself of the laws of the State of Delaware and deriving the protections and benefits thereof, and, upon information and belief, regularly transacts business within this judicial district, including sales of the infringing product in Delaware, and has committed acts of patent infringement within this judicial district.

8. Globus has previously been sued in this district and has not challenged personal jurisdiction in that action.

9. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b) and (c) and 1400(b).

COUNT ONE
INFRINGEMENT OF UNITED STATES PATENT NO. 7,846,207

10. Synthes incorporates each of the preceding paragraphs of this Complaint as if fully set forth herein.

11. The '207 patent, entitled "Intervertebral Implant," was duly and lawfully issued by the United States Patent and Trademark Office on December 7, 2010. A copy of the '207 patent, which is valid and enforceable, is attached hereto as Exhibit A.

12. The inventors of the '207 patent are Beat Lechmann, Dominique Burkard, Chris M. J. Cain and Claude Mathieu.

13. In violation of 35 U.S.C. § 271(a), Globus has directly infringed the '207 patent by making, using, offering for sale and/or selling within the United States or importing into the United States products that infringe one or more claims of the '207 patent, including but not limited to its Independence™ ALIF System, Coalition™ ACDF System, and InterContinental™ Plate-Spacer products.

14. In violation of 35 U.S.C. § 271(b) and/or 35 U.S.C. § 271(c), Globus has indirectly infringed the '207 patent by inducing and/or contributing to infringement of the '207 patent.

15. Upon information and belief, Globus' infringement has been with knowledge of the '207 patent and has been willful.

16. Synthes has suffered and will continue to suffer damages and irreparable injuries unless Globus' infringement of the '207 patent is enjoined.

COUNT TWO
INFRINGEMENT OF UNITED STATES PATENT NO. 7,862,616

17. Synthes incorporates each of the preceding paragraphs of this Complaint as if fully set forth herein.

18. The '616 patent, entitled "Intervertebral Implant," was duly and lawfully issued by the United States Patent and Trademark Office on January 4, 2011. A copy of the '616 patent, which is valid and enforceable, is attached hereto as Exhibit B.

19. The inventors of the '616 patent are Beat Lechmann, Dominique Burkard, Chris M. J. Cain and Claude Mathieu.

20. In violation of 35 U.S.C. § 271(a), Globus has directly infringed the '616 patent by making, using, offering for sale and/or selling within the United States or importing into the United States products that infringe one or more claims of the '616 patent, including but not limited to its Independence™ ALIF System, Coalition™ ACDF System, and InterContinental™ Plate-Spacer products.

21. In violation of 35 U.S.C. § 271(b) and/or 35 U.S.C. § 271(c), Globus has indirectly infringed the '616 patent by inducing and/or contributing to infringement of the '616 patent.

22. Upon information and belief, Globus' infringement has been with knowledge of the '616 patent and has been willful.

23. Synthes has suffered and will continue to suffer damages and irreparable injuries unless Globus' infringement of the '616 patent is enjoined.

COUNT THREE
INFRINGEMENT OF UNITED STATES PATENT NO. 7,875,076

24. Synthes incorporates each of the preceding paragraphs of this Complaint as if fully set forth herein.

25. The '076 patent, entitled "Intervertebral Implant," was duly and lawfully issued by the United States Patent and Trademark Office on January 25, 2011. A copy of the '076 patent, which is valid and enforceable, is attached hereto as Exhibit C.

26. The inventors of the '076 patent are Claude Mathieu and Christopher Marden John Cain.

27. In violation of 35 U.S.C. § 271(a), Globus has directly infringed the '076 patent by making, using, offering for sale and/or selling within the United States or importing into the United States products that infringe one or more claims of the '076 patent, including but not limited to its Independence™ ALIF System, Coalition™ ACDF System, and InterContinental™ Plate-Spacer products.

28. In violation of 35 U.S.C. § 271(b) and/or 35 U.S.C. § 271(c), Globus has indirectly infringed the '076 patent by inducing and/or contributing to infringement of the '076 patent.

29. Upon information and belief, Globus' infringement has been with knowledge of the '076 patent and has been willful.

30. Synthes have suffered and will continue to suffer damages and irreparable injuries unless Globus' infringement of the '076 patent is enjoined.

PRAYER FOR RELIEF

WHEREFORE, PLAINTIFF Synthes respectfully requests that this Court enter judgment in its favor and against Globus and grant the following relief:

A. A judgment that Globus has infringed the '207 patent directly, or by inducement or contribution, in violation of 35 U.S.C. § 271;

B. A judgment that Globus' infringement of the '207 patent has been willful;

C. An order, pursuant to 35 U.S.C. § 283, enjoining Globus and all persons in active concert or participation with Globus from any further infringement of the '207 patent;

D. An order, pursuant to 35 U.S.C. § 284, awarding Synthes damages adequate to compensate for Globus' infringement of the '207 patent;

E. An order, pursuant to 35 U.S.C. § 284, trebling all damages awarded to Synthes based on Globus' willful infringement of the '207 patent;

F. A judgment that Globus has infringed the '616 patent directly, or by inducement or contribution, in violation of 35 U.S.C. § 271;

G. A judgment that Globus' infringement of the '616 patent has been willful;

H. An order, pursuant to 35 U.S.C. § 283, enjoining Globus and all persons in active concert or participation with Globus from any further infringement of the '616 patent;

I. An order, pursuant to 35 U.S.C. § 284, awarding Synthes damages adequate to compensate for Globus' infringement of the '616 patent;

J. An order, pursuant to 35 U.S.C. § 284, trebling all damages awarded to Synthes based on Globus' willful infringement of the '616 patent;

K. A judgment that Globus has infringed the '076 patent directly, or by inducement or contribution, in violation of 35 U.S.C. § 271;

L. A judgment that Globus' infringement of the '076 patent has been willful;

M. An order, pursuant to 35 U.S.C. § 283, enjoining Globus and all persons in active concert or participation with Globus from any further infringement of the '076 patent;

N. An order, pursuant to 35 U.S.C. § 284, awarding Synthes damages adequate to compensate for Globus' infringement of the '076 patent;

O. An order, pursuant to 35 U.S.C. § 284, trebling all damages awarded to Synthes based on Globus' willful infringement of the '076 patent;

P. An order, pursuant to 28 U.S.C. § 1961 and 35 U.S.C. § 284, awarding to Synthes interest on the damages and its costs incurred from this action;

Q. A declaration that this case is exceptional and an award of Synthes' attorneys' fees and costs in bringing its claims, pursuant to 35 U.S.C. § 285;

R. An order directing Globus to recall from distribution and destroy its entire stock of infringing products within the United States; and

S. Such other and further relief as the Court may deem just and proper.

JURY DEMAND

In accordance with Fed. R. Civ. P. 38 and 39, Synthes asserts its rights under the Seventh Amendment to the United States Constitution and demands a trial by jury on all issues that may be so tried.

Dated: July 22, 2011

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