IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

DEPUY SYNTHES PRODUCTS, LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. _____
	)	
GLOBUS MEDICAL, INC.,	)	**JURY TRIAL DEMANDED**
	)	
Defendant.	)	

COMPLAINT

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

THE PARTIES

1. Plaintiff DePuy Synthes Products, LLC is a Delaware limited liability company having a principal place of business at 25 Paramount Drive, Raynham, Massachusetts 02767. Synthes is in the business of, among other things, designing, developing and manufacturing medical devices.

2. Defendant Globus Medical, Inc. is a Delaware corporation. Globus has its principal place of business at Valley Forge Business Center, 2560 General Armistead Avenue, Audubon, Pennsylvania 19403.

NATURE OF THE ACTION

3. This action arises under the patent laws of the United States, 35 U.S.C. §§ 101, *et seq.*

JURISDICTION AND VENUE

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

5. This Court has personal jurisdiction over Defendant because Defendant 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.

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

COUNT ONE
INFRINGEMENT OF UNITED STATES PATENT NO. 8,623,057

7. Plaintiff incorporates each of the preceding paragraphs of this Complaint as if fully set forth herein.

8. United States Patent No. 8,623,057 ("the '057 patent"), entitled "Spinal Stabilization Device," was duly and lawfully issued by the United States Patent and Trademark Office on January 7, 2014. A copy of the '057 patent, which is valid and enforceable, is attached hereto as Exhibit A.

9. Plaintiff is the assignee of the '057 patent.

10. The inventors of the '057 patent are Tae-ahn Jahng, Jason Yim and Brian Bowman.

11. In violation of 35 U.S.C. § 271(a), Defendant has infringed and continues to infringe the '057 patent by making, using, offering for sale or selling within the United States and/or importing into the United States products that infringe one or more claims of the '057 patent, including but not limited to its TRANSITION® Stabilization System products.

12. Plaintiff has suffered and will continue to suffer damages and irreparable injuries unless Defendant's infringement of the '057 patent is enjoined.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff 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 and is infringing the '057 patent, in violation of 35 U.S.C. § 271;

B. 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 '057 patent;

D. An order, pursuant to 35 U.S.C. § 284, awarding Plaintiff damages adequate to compensate for Globus' infringement of the '057 patent;

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

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

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

I. 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, Plaintiff 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.

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Dated: January 7, 2014

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