

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE**

ANGLEFIX TECH, LLC  
1723 Beverly Drive  
Charlotte, North Carolina 28207

and

THE UNIVERSITY OF NORTH  
CAROLINA at CHAPEL HILL  
103 South Building Campus  
Box 9100  
Chapel Hill, NC 27599-9100

Plaintiffs,

v.

Wright Medical Technology, Inc.  
5677 Airline Road  
Arlington, TN 38002 Inc.

Defendant

Civil Action No.: 13-2407

**AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiffs, AngleFix Tech, LLC ("AngleFix") and The University of North Carolina at Chapel Hill ("UNC-CH"), bring this Complaint for patent infringement against Defendant Wright Medical Technology, Inc. ("Wright Medical") as follows.

**JURISDICTION AND VENUE**

1. This is an action for patent infringement under Title 35 of the United States Code §§281 and 271 (a) (b) and/or (c) for infringement of US Patent 6,955,677 (the '677 patent).

2. This Court has jurisdiction over patent claims under 35 U.S.C. §281 and 28 U.S.C. §§1331, 1338(a) providing for federal question jurisdiction of actions relating to patents and trademarks.

3. Defendant is currently engaged in making, using, offering for sale and selling, products which infringe claims of the '677 patent throughout the United States, including sales within this judicial district. Defendant is also inducing others to sell and use and contributing to the sale of infringing products. Defendant is also practicing methods and inducing others to practice methods which infringe claims of the '677 patent.

4. Venue is proper in this District pursuant to 28 U.S.C. §1391(b) (c) and (d) and §1400(a) and (b). Defendant sells products in this Judicial District and maintains its facilities for the accused product in this Judicial District.

#### **THE PARTIES AND GENERAL ALLEGATIONS**

5. Plaintiff, AngleFix Tech, LLC, is a North Carolina corporation existing in the State of North Carolina and is the exclusive license with rights to sue for infringement, of United States Letters Patent Numbers 6,955,677 which issued on October 18, 2005 to The University of North Carolina at Chapel Hill, naming Dr. Laurence E. Dahners as the sole inventor. Plaintiff UNC-CH is a constituent institution of the University of North Carolina and an educational institution chartered under the laws of the State of North Carolina having a principal office in Chapel Hill, North Carolina. UNC is the owner by assignment of the '677 patent and has the right to join in this suit pursuant to the license agreement between UNC-CH and AngleFix and thus has standing. The patent was the result of Dr. Dahners desire to capture bone fragments during orthopedic surgery that would otherwise evade locking screws set at a single fixed angle. Dr. Dahners' pioneering work was recognized by the University of North Carolina at Chapel Hill, which applied for patent protection. The United States Patent Office granted the '677 patent on the multi angular plate and screw system developed by Dr. Dahners.

6. Defendant, Wright Medical, is a corporation existing under the laws of the state of Tennessee, and located in this judicial district.

7. Wright Medical manufactures and distributes nationwide, medical products generally known as plate and screw systems for bone fixation for use in orthopaedic procedures. The devices manufactured by Wright Medical are referred to as the Claw, Claw II, Charlotte Claw, Ortholoc, Ortholoc 3Di, Ortholoc 3Di 2, among other names.

### **THE PATENT IN SUIT**

8. U. S. Patent 6,955,677 is entitled "Multi-angular Fastening Apparatus and Method for Surgical Bone Screw/Plate Systems" and includes claims 11, 12, 33, 34, 44, 47, 48, 65, 66, 73 and 74, which are asserted against Wright Medical. The details of the assertions of infringement against the accused Wright Medical products are found in the pleadings filed in this matter, including D.E. #150, AngleFix's Motion for Summary Judgement of Infringement, which is incorporated herein by reference.

### **THE ACCUSED PRODUCTS**

9. Wright Medical manufactures and distributes nationwide, medical products generally known as plate and screw systems for bone fixation for use in orthopaedic procedures. The devices manufactured by Wright Medical are referred to as the Claw, Claw II, Ortholoc, Ortholoc 3Di, Ortholoc 3Di 2, among other names.

10. The Claw, Claw II, Ortholoc, Ortholoc 3Di, Ortholoc 3Di 2, are fastening apparatus adapted for multi-angular screw insertion, which include threaded shaft screw fasteners with threaded head sections and a plate with holes for the screws that include a non-rotatable tappable contact region on the inside surface of the holes, having an inside

diameter large enough to permit the threaded shaft portion of the screw to pass through at a variable insertion angle, and small enough to contact and to be tapped by the thread of the screw head to rigidly affix the head section to the tappable contact region at a selected one of a plurality of different angles.

11. The Claw, Claw II, Ortholoc, Ortholoc 3Di, Ortholoc 3Di 2, are used in methods for affixing a fastener to a fastener receiving member at a desired orientation for orthopedic procedures, by the steps of: (a) providing a shaft threaded and head threaded screw, (b) providing a plate with holes with internal tappable contact region disposed on the inside surface of the holes; (c) selecting an insertion angle for one of the screws; (d) inserting a screw through a hole until the thread of the head section contacts the tappable contact region; (e) tapping the screw into the receiving member such that the screw is oriented at the selected insertion angle by threading the thread of the head section into the tappable contact region while the screw is oriented at the selected insertion angle; and (f) placing one of the plate against bone material, and inserting the shaft of the screw into the bone material.

12. Wright Medical has infringed and continues to infringe at least one or more apparatus claims of the '677 through making, using, selling and offering for sale, products which infringe the apparatus claims of the '677 Patent, including the products described above.

13. Wright Medical has contributorily infringed and continues to contributorily infringe one or more of the apparatus claims of the '677 patent through sales of components which when combined with other components form a fastening apparatus which infringes one or more of the apparatus claims of the '677 patent. The sale of components includes the sale of plates and the sale of screws which do not have substantial non-infringing commercial applications.

14. Wright Medical has induced and continues to induce others to infringe one or more of the claims of the '677 patent, through sales of infringing products which are resold or used and infringe one or more of the apparatus claims of the '677 patent, and/or which are used and/or can be used in a method which infringes the method claims of the '677 patent.

15. Wright Medical has infringed and continues to infringe the method claims of the '677 patent and has practiced and continues to practice methods, which infringe the method claims of the '677 Patent, and sells products which induce others to practice methods which infringe the claims of the '677 patent.

16. Wright Medical infringes one or more of the claims of the '677 Patent.

**COUNT I**  
**PATENT INFRINGEMENT OF 6,955,677**

17. Plaintiffs re-allege each and every allegation set forth above and incorporates them herein by reference.

18. Plaintiffs are the owner of and the exclusive licensee of the '677 patent and together have standing to sue for infringement of United States Letters Patent 6,955,677 which was duly and legally issued on October 18, 2005.

19. The '677 Patent properly names Laurence E. Dahners as inventor, is entitled "Multi-angular Fastening Apparatus and Method for Surgical Bone Screw/Plate Systems" and is properly assigned to The University of North Carolina at Chapel Hill and properly exclusively licensed to Plaintiff, AngleFix Tech LLC.

20. Upon information and belief, Defendant Wright Medical currently infringes and has infringed one or more of the apparatus and method claims of the '677 Patent under 35 U.S.C. §271 by making, using, selling and offering for sale, products as described above.

21. The infringement by Wright Medical is direct and indirect, contributory and by inducement.

22. Plaintiffs are entitled to recover damages from Wright Medical including reasonable royalties and lost profits, sustained as a result of Wright Medical's infringing acts under 35 U.S.C. §271 and §284.

23. Defendant has been aware of Plaintiffs' rights in the patents in suit and of Plaintiffs' intent to enforce those rights. Defendant has, with full knowledge of those rights, willfully proceeded to infringe, in disregard of Plaintiffs' rights. Plaintiffs are entitled to enhanced damages under 35 U.S.C. §284.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs pray for judgment against Defendant as follows:

24. That Defendant Wright Medical be held to have infringed U.S. Patent No. 6,559,677 under 35 U.S.C. §271.

25. That Defendant acted with knowledge of the patent in suit.

26. That judgment be entered for Plaintiffs against Defendant, for Plaintiffs' actual damages according to proof, and for any additional profits attributable to infringements of Plaintiffs' patent rights, in accordance with proof and for enhanced damages under 35 U.S.C. §284 and §285.

27. That judgment be entered for Plaintiffs against Defendant, adequate to compensate Plaintiffs, for reasonable royalties and/or other statutory damages based upon Defendant's acts of patent infringement and for their other violations of law under 35 U.S.C. §284 and §285.

28. That Defendant be required to account for all gains, profits, and advantages derived from their acts of infringement and for their other violations of law and that Plaintiffs be awarded damages in the amount of such profits under 35 U.S.C. §284 and §285.

29. That the actions of Defendant be found willful.

30. That judgment be entered for Plaintiffs and against Defendant, for enhancement of the damages awarded for patent infringement under 35 U.S.C. §284 and §285.

31. That the actions of Defendant be found exceptional under 35 U.S.C. §285.

32. That Plaintiff be granted judgment against the Defendant for Plaintiffs' costs and attorney's fees under 35 U.S.C. §285 and or the inherent powers of the Court.

33. That the Court grant such other, further, and different relief as the Court deems proper under the circumstances.

**DEMAND FOR JURY TRIAL**

34. Pursuant to Fed. R. Civ. P. 38(b), Plaintiffs hereby demand a trial by jury on all issues raised by the complaint which are properly triable to a jury.

DATED: January 18, 2017

Respectfully submitted,  
DNL ZITO

By /s/ Joseph J. Zito  
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AngleFix Tech, LLC & UNC-CH

**CERTIFICATE OF SERVICE**

This is to certify that the foregoing **AMENDED COMPLAINT FOR PATENT INFRINGEMENT** was filed electronically this 18th day of January 2017, pursuant to ORDER D.E. 212. Notice of this filing will be sent to all counsel by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Joseph J. Zito  
Joseph J. Zito