

Arthrex Innovation Triumphs as Company Wins Appeal

FOR IMMEDIATE RELEASE

NAPLES, FL – June 20, 2011 – Today, the Court of Appeals for the Federal Circuit in Washington, D.C. overturned an Eastern District of Texas judgment against Arthrex, Inc. brought by English conglomerate Smith & Nephew, Inc. (S&N) involving Arthrex's RetroButton ACL graft fixation product. Even though four of five claims against Arthrex were dismissed prior to trial, and the claim of willful infringement dismissed by Judge T. John Ward during trial, S&N continued to pursue Arthrex. The Appeal decision wipes away a jury award of \$4.7 million and dismisses the entire action against Arthrex.

"This was a victory for medical innovation and common sense," said John W. Schmieding, Arthrex's General Counsel. "Arthrex is resolved to continue its focus on fair and legal medical device innovation, and this ruling supports that mission." Schmieding said.

In dismissing the action, the Federal Circuit stated "Because there is no evidence of record supporting the jury's verdict that the RetroButton infringes the '588 patent, JMOL is appropriate, and we must reverse."

Arthrex, headquartered in Naples, FL, is a worldwide leader in sports medicine product development and educational services for orthopaedic surgeons. More than 5,000 products for arthroscopic and minimally invasive orthopaedic surgical procedures have been developed by Arthrex and are currently marketed worldwide. For more information, visit www.arthrex.com.

###

Contact:

John W. Schmieding, General Counsel
239-643-5553
John.Schmieding@Arthrex.com

<https://newsroom.arthrex.com/2011-06-20-Arthrex-Innovation-Triumphs-as-Company-Wins-Appeal>