

## **Arthrex Victorious in Dismissing \$85 Million Verdict**

### **FOR IMMEDIATE RELEASE**

NAPLES, FL -- December 19, 2011 -- The Federal District Court in Portland, Oregon reversed an \$85 Million jury verdict against Arthrex, Inc. issued in June of this year; dismissing Smith & Nephew, Inc.'s ("S&N") eight year long pursuit against Arthrex and its SutureTak and PushLock line of suture anchors. These suture anchors are used in arthroscopic shoulder surgery throughout the world.

The Court held that under the correct construction of the patent, no reasonable jury could possibly find that Arthrex infringed in this case. The Court also held no reasonable jury could have found that Arthrex committed indirect infringement of the patent, vindicating Arthrex in all respects.

Since the filing of this lawsuit in January 2004, Arthrex has consistently maintained that it did not infringe S&N's patent. This was the third trial in this case, with the first trial being a mistrial, a verdict for plaintiff in the second trial being reversed by the Court of Appeal for the Federal Circuit in Washington, D.C. and now this third trial's verdict overturned and Judgment granted for Arthrex. This ruling comes six months after Arthrex won an appeal against S&N which took away a \$4.7 million dollar verdict awarded to S&N in the Eastern District of Texas.

John W. Schmieding, Arthrex's General Counsel stated: "While we are very pleased with the Judge's ruling, we are perplexed by S&N's continued attempt to compete in the courtroom rather than the marketplace. Arthrex would much rather apply its resources towards advancing innovation and life changing technologies."

The Court also denied S&N's request for enhanced damages, for an injunction and willful infringement. Arthrex is hopeful that S&N agrees with this sentiment, will forgo an appeal and move on to more productive pursuits.

Arthrex, headquartered in Naples, FL, is a worldwide leader in sports medicine product development and educational services for orthopaedic surgeons. More than 6,000 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](http://www.arthrex.com).

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