

SEPTEMBER 17, 2020 | NEWS

Shumaker Patent Team Settles Multi-District Litigation for Patent Owner Ermi

CHARLOTTE, NC – On September 15, 2020, following a comprehensive settlement agreement, parties to multi-district litigation (MDL) 2914 asked the Honorable Roy K. Altman to dismiss with prejudice all claims against all remaining parties to the patent MDL which has been pending in the United States District Court for the Southern District of Florida. Judge Altman signed a dismissal order on September 17, 2020. In the MDL case, patent owner Ermi LLC had accused defendants of, *inter alia*, infringing its US Patent No. 7,547,289 through the manufacture, use, and distribution of a medical device known as the T-Rex Orbit for shoulder device. While the details of the settlement agreement remain confidential, the agreement requires that the accused T-Rex Orbit for shoulder device will not be available in the state of Florida after December 1, 2020.

Previously, in 2019, as part of separate settlement agreements, accused infringers Graymont Medical and Sportstek Medical agreed to cease making, using, selling, or otherwise distributing the T-Rex Orbit for shoulder devices. Other settlement agreements were also reached in March 2020 with accused infringers Chas Welch, David Long, Jeff Hegwood, Jon Trumble, Tab Bone, Absolute Surgical, Brett West, Medfocus Solutions, Cade Medical, Soma Medical, Tom Duty, Decker Medical, and IASO Biosciences.

The comprehensive settlement agreement applies to all remaining defendants including: T-Rex Investment, Inc., OneDirect Health Network, Inc., Thomas Greene, Jeffrey Smith, Eduardo Marti, Team Post Op, Inc., T-

SERVICE LINE

Intellectual Property

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The MDL case is *In re: ERMI LLC '289 Patent Litigation No. 0:19-MD-02914-RKA* (S.D. Fla.). Ermi is represented in this case by Alex Long, Patrick Horne, Christina Trimmer, Tom BenGera and Mindi Richter of Shumaker, Loop & Kendrick, LLP.

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