

Media Release

## **Damages Awarded to Synthes in ProDisc-L Patent Case Against Medtronic**

*West Chester (PA), USA, December 9, 2008*

Synthes, Inc. (SWX: SYST.VX) today announced that it was successful in its court proceedings brought against Medtronic Sofamor Danek, Inc. (Medtronic) in U.S. District Court in Memphis, Tennessee.

Synthes sought the assistance of the court to protect one of its patents, covering the "ProDisc-L" device with its unique single-keel design.

On December 5, 2008, the jury upheld the validity of the Synthes patent and found that Medtronic willfully infringed the patent by the manufacture of the entire line of Maverick total disc replacement devices.

The jury also found that Synthes was entitled to lost profits for approximately half of the infringing sales, plus a royalty of 18% on the remaining sales. All commercial sales of Maverick products have been generated outside the U.S. because the products have not been approved for commercial sale in the U.S. The total damages will be determined by a post-trial accounting.

"We are pleased with the jury's verdict," said Michel Orsinger, President and CEO of Synthes. "These findings reflect the strength of Synthes' spine patent portfolio. It also proves that intellectual property rights can be protected and defended accordingly," he continued.

ProDisc-L is a total disc replacement used to replace diseased vertebral discs in the lumbar spine. Since its launch in the U.S. in August 2006, it has shown very good clinical results.

### **Synthes: A leading medical device company**

Synthes is a leading global medical device company. We develop, produce and market instruments, implants and biomaterials for the surgical fixation, correction and regeneration of the human skeleton and its soft tissues.

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In addition, it should be noted that past financial and operational performance of the company is not necessarily indicative of future financial and operational performance. Synthes undertakes no obligation to update any forward-looking statements, whether as a result of new information, future events or otherwise.

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