

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

CONFORMIS, INC.,

Plaintiff,

v.

ZIMMER BIOMET HOLDINGS, INC. and
ZIMMER, INC.,

Defendants.

C. A. No. 19-1528-RGA (CONSOL.)

CONFORMIS, INC.,

Plaintiff,

v.

MEDACTA USA, INC., and MEDACTA
INTERNATIONAL SA,

Defendants.

C. A. No. 19-1618-RGA

DEFENDANT'S PARTIAL MOTION TO DISMISS

Pursuant to Rule 12 of the Federal Rules of Civil Procedure, defendant Medacta International SA hereby moves to dismiss the Second Amended Complaint filed by Conformis, Inc. (D.I. 85) insofar as it relates to claims against Medacta International SA. Dismissal of all claims against Medacta International SA is proper under Rules 12(b)(2) and 12(b)(5). Dismissal of the direct infringement and contributory infringement claims against Medacta International SA is also appropriate under Rule 12(b)(6) because the Complaint fails to state plausible claims for relief. The reasons for this Motion are set forth in the accompanying brief in support, which is incorporated herein by reference.

Dated: January 21, 2021

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

/s/ Amy M. Dudash

Amy M. Dudash (DE Bar No. 5741)
1201 N. Market Street, Suite 2201
Wilmington, DE 19801
Telephone: (302) 574-3000
amy.dudash@morganlewis.com

*Attorneys for Defendant Medacta USA, Inc.
And Medacta International SA*

Jason C. White
Scott D. Sherwin
Nicholas A. Restauri
Michael T. Sikora
77 West Wacker Drive
Chicago, IL 60601
Telephone: (312) 324-1000
jason.white@morganlewis.com
scott.sherwin@morganlewis.com
nicholas.restauri@morganlewis.com
michael.sikora@morganlewis.com