

September 17, 2020

Ermi LLC Announces Settlement in Patent Infringement Case

Alleged Patent ('289) Infringement against Eduardo M. Marti, Team Post Op, Inc., T-Rex Rehab, LLC, T-Rex Investment, Inc., and OneDirect Health Network, Inc. and its Distributors.

Atlanta— September 17, 2020 — Today, Ermi LLC announces the settlement and dismissal of its case, alleging patent infringement, trademark infringement, and false advertising, and unfair competition by Eduardo M. Marti, Team Post Op, Inc., T-Rex Rehab, LLC, T-Rex Investment, Inc., and OneDirect Health Network, Inc. and its distributors.

“We have invested significantly in the biomedical and peer-reviewed clinical research that demonstrates the effectiveness and cost savings to the healthcare system based on the use of our devices. While we welcome competition and innovation in the market, we have no option but to aggressively defend our intellectual property and investments,” said Thomas P. Branch, MD, Founder and CEO,

Facts of the Matter:

Ermi wrapped up a Multi-District Patent Infringement Litigation in the United States District Court for the Southern District of Florida against OneDirect Health Network, Inc. and over 20 distributors of the device known as the T-Rex Orbit for Shoulder. The facts alleged in the Multi-District Litigation are summarized as follows:

Defendant Eduardo Marti met with Ermi representatives in late 2013 at Dr. Branch’s TREX Orthopedic clinic in Atlanta, Georgia. Within months thereafter, Marti had formed his own company, also named “T-Rex” Rehab, filed his own patents for an “End Range of Motion Improvement” device, and had begun to market a line of products designed to directly compete with Ermi devices. Marti distributed these products through his company, Team Post Op. Not content to take

Ermi's patented products and TREX trade name, Marti also proceeded to brand his products with the trademark "ORBIT" – the same trademark which Dr. Branch has used on an orthopedic medial suture passer for more than a decade. Unlike Ermi, T-Rex Rehab has not obtained any clinical research studies on its shoulder device.

While the details of the settlement agreement with OneDirect Health, T-Rex Rehab and the other distributors of the T-Rex Orbit for shoulder device are confidential, one outcome of the settlement agreement is that the T-Rex Orbit for shoulder device will not be available in the state of Florida after December 1, 2020.

Elsewhere, Ermi has sued manufactures and distributors whose products infringe Ermi's United States Patent 7,547,289 ('289) directed to a high intensity stretching device for the shoulder. In 2019, Graymont Medical, a medical device distributor, entered into a settlement agreement with Ermi, whereby Graymont agreed to completely cease distributing products offered by T-Rex Rehab, which infringe Ermi's patents. Similarly, Sportstek Medical, another medical device distributor, also entered into a similar settlement agreement with Ermi, requiring it to cease sales of the T-Rex Rehab shoulder devices.

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Ermi is a trademark of Ermi LLC in the United States and/or other countries.

The names of actual companies and products mentioned herein may be the trademarks of their respective owners.

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