

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

Stryker European Operations Holdings LLC and Howmedica
Osteonics Corp. v. Treace Medical Concepts, Inc.

Stryker v. Treace · No. Civil Action No. 25-637-GBW · Decided January 29, 2026

SUMMARY

The United States District Court for the District of Delaware denied Treace Medical Concepts, Inc.’s motion to dismiss patent infringement claims under Federal Rule of Civil Procedure 12(b)(6). The court declined at the pleading stage to construe the asserted patent claims as requiring implants made from resorptive material and held that the plaintiffs adequately pleaded infringement of claim 1 of the ’583 patent.

CASE DETAILS

COURT	United States District Court for the District of Delaware
WRITING FOR THE COURT	N. B. Williams
JURISDICTION	United States District Court for the District of Delaware
DECIDED	January 29, 2026
DOCKET	Civil Action No. 25-637-GBW
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss a patent-infringement complaint for failure to state plausible claims of infringement.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true, draws reasonable inferences in favor of the nonmoving party, and asks whether the complaint contains sufficient factual matter to state a claim that is plausible on its face. Patent-infringement pleadings must provide factual allegations that make infringement plausible and place the accused infringer on notice of the activity being accused, but need not plead infringement on an element-by-element basis.
PRECEDENTIAL VALUE	Unknown; district court memorandum opinion with no reporter citation in the source.

PARTIES

Stryker European Operations Holdings LLC, Howmedica Osteonics Corp. v. Treace Medical Concepts, Inc.

TOPICS

patent infringement

motions to dismiss

pleadings

patent law

civil procedure

PRACTICE AREAS

patent law

patent infringement

civil procedure

commercial litigation

QUESTIONS PRESENTED

1. Whether the asserted patent claims clearly require the claimed implant or intramedullary implant to be made from a resorptive material at the pleading stage.
2. Whether the complaint plausibly pleaded infringement of claim 1 of the '583 Patent, including the limitation requiring a flat cross-section perpendicular to the longitudinal axis.
3. Whether the allegations of indirect infringement and infringement under the doctrine of equivalents should be dismissed when they were challenged only on the premise that literal infringement was inadequately pleaded.

HOLDINGS

1. At the pleading stage, the court could not conclude that the asserted claims clearly and unmistakably disclaim implants made from non-resorptive materials. For purposes of deciding the motion, the court adopted plaintiffs' proposed construction and held that the terms "implant" and "intramedullary implant" do not require the implant to be made of a resorptive material.
2. The complaint adequately pleaded infringement of claim 1 of the '583 Patent because its annotated images and accompanying explanations identified the accused product's barbed section, longitudinal axis, and alleged flat cross-section and explained their claimed perpendicular relationship.
3. The court denied dismissal of the indirect-infringement and doctrine-of-equivalents allegations because defendant's arguments for dismissal presupposed that literal infringement had not been adequately pleaded, and the court found that literal infringement was adequately pleaded.

KEY QUOTATIONS

"The Court will, therefore, adopt Plaintiffs' proposed construction of the terms "implant" and "intramedullary implant" for the limited purpose of resolving this motion, and hold that the terms "implant" and "intramedullary implant" do not require that the implant be made of a resorptive material." (at 11)

"Thus, the Court concludes that Plaintiffs' Complaint contains sufficient factual allegations to place Defendant "on notice of what activity . . . is being accused of infringement."" (at 16)

FACTUAL BACKGROUND

Plaintiffs allege that Treace infringes claims of four patents covering intramedullary implants and related methods for joining bone parts. The complaint asserted literal infringement, indirect infringement, and infringement under the doctrine of equivalents, and included annotated images and explanations concerning the flat-cross-section and longitudinal-axis limitation of claim 1 of the '583 Patent. Treace argued that the claims necessarily required resorptive materials and that the complaint did not adequately explain how its accused product met the geometric limitation.

PROCEDURAL HISTORY

Plaintiffs filed the action on May 22, 2025, alleging infringement of claims from four patents concerning intramedullary implants. Defendant moved to dismiss on August 4, 2025, arguing that the asserted claims required implants made from resorptive material and that the complaint inadequately pleaded a geometric limitation of claim 1 of the '583 Patent. After briefing was completed, the court denied the motion in its entirety.

DISPOSITION

dismissed

CASES CITED

- Staton Techiya, LLC v. Harman Int'l Indus., 734 F. Supp. 3d 354, 363 (D. Del. 2024)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555-56, 570 (2007)
- Bot M8 LLC v. Sony Corp. of Am., 4 F.4th 1342, 1352-53 (Fed. Cir. 2021)
- Petrella v. Metro-Goldwyn-Mayer, Inc., 572 U.S. 663, 678 n.15 (2014)
- Miken Composites, L.L.C. v. Wilson Sporting Goods Co., 515 F.3d 1331, 1336 (Fed. Cir. 2008)
- JMS Tech., Inc. v. Haas Automation, Inc., 206 F.3d 1422, 1429 (Fed. Cir. 2000)
- Golden v. Apple Inc., 819 F. App'x 930, 930-31 (Fed. Cir. 2020)
- Magema Technology LLC v. Phillips 66, 153 F.4th 1248, 1260 (Fed. Cir. 2025)
- Phillips v. AWH Corp., 415 F.3d 1303, 1313-14, 1316 (Fed. Cir. 2005) (en banc)
- SciMed Life Sys., Inc. v. Advanced Cardiovascular Sys., Inc., 242 F.3d 1337, 1341, 1343-44 (Fed. Cir. 2001)
- Thorner v. Sony Computer Ent. Am. LLC, 669 F.3d 1362, 1366 (Fed. Cir. 2012)
- UTTO Inc. v. Metrotech Corp., 119 F.4th 984, 993-94 (Fed. Cir. 2024)
- Continental Circuits LLC v. Intel Corp., 915 F.3d 788, 798 (Fed. Cir. 2019)
- Honeywell Int'l, Inc. v. ITT Indus., Inc., 452 F.3d 1312, 1320 (Fed. Cir. 2006)
- Epistar Corp. v. Int'l Trade Comm'n, 566 F.3d 1321, 1335 (Fed. Cir. 2009)
- Olink Proteomics AB v. Alamar Biosciences, Inc., C.A. No. 23-1303-MN, 2025 WL 275604, at *9-10 (D. Del. Jan. 23, 2025), report and recommendation adopted, C.A. No. 23-1303 (MN), 2025 WL 459697 (D. Del. Feb. 11, 2025)
- CytoLogix Corp. v. Ventana Med. Sys., Inc., 424 F.3d 1168, 1172 (Fed. Cir. 2005)
- Adnexus Inc. v. Meta Platforms, Inc., 160 F.4th 1216, 1222 (Fed. Cir. 2025)

- Disc Disease Sols. Inc. v. VGH Sols., Inc., 888 F.3d 1256, 1260 (Fed. Cir. 2018)
- De La Vega v. Microsoft Corp., No. W-19-CV-00612-ADA, 2020 WL 3528411, at *6 (W.D. Tex. Feb. 11, 2020)
- Crystal Lagoons US Corp. v. Cloward H2O, Case No. 2:19-CV-00796-BSJ, 2020 WL 8473230, at *1 (D. Utah May 11, 2020)
- Midwest Athletics & Sports All. LLC v. Xerox Corp., 8:17CV478, 2018 WL 1400426, at *4 (D. Neb. Mar. 20, 2018)
- Anza Tech., Inc. v. ARRIS Grp., Inc., Case No. 3:16-cv-01261-BEN-AGS, 2016 WL 8732646, at *4 (S.D. Cal. Nov. 4, 2016)
- Uniloc 2017 LLC v. ZenPayroll, Inc., C.A. No. 19-1075-CFC-SRF, 2020 WL 4260616, at *3, *5 (D. Del. July 23, 2020), report and recommendation adopted sub nom. Uniloc 2017 LLC v. Zen Payroll, Inc., C.A. No. 19-1075-CFC-SRF, 2020 WL 5077416 (D. Del. Aug. 27, 2020)
- K-Tech Telecomms., Inc. v. Time Warner Cable, Inc., 714 F.3d 1277, 1284 (Fed. Cir. 2013)