

# Artoss, Inc. Announces Affirmation of Judgment in Litigation with Biocomposites GmbH, Manufacturer of NanoBone®

*Litigation restored terms of distribution agreement and assessed compensatory damages*

SAINT CLOUD, MINNESOTA, USA, June 19, 2024 /EINPresswire.com/ -- Artoss, Inc. (St. Cloud, MN), a medical device distribution company dedicated to providing the most advanced bone graft



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*Paul Byerley*

substitutes to treat multiple orthopaedic indications, announced the Federal Third Circuit Court of Appeals affirmed the judgment and damages due in its dispute with Biocomposites GmbH, the manufacturer of NanoBone Bone Graft products.

The litigation against Biocomposites GmbH was heard in United States District Court, District of Delaware in November 2022. The jury in the case found in favor of

Artoss, Inc. on all counts and awarded significant damages. Biocomposites appealed the judgment to the Federal Third Circuit Court of Appeals in Philadelphia, PA. The Court of Appeals rejected the appeal and affirmed the judgment and damages awarded in the case. The decision from the Court of Appeals is available [here](#).

In the appeal, Biocomposites GmbH contended, among other things, that there was no operative agreement between the parties. The Court of Appeals rejected that argument and affirmed the earlier finding by the jury and district court that Biocomposites GmbH had wrongfully terminated the agreement.

Biocomposites GmbH has not paid any portion of the judgment that was awarded by the jury and affirmed by the Court of Appeals. Artoss, Inc. is currently in the process of collecting that judgment, which (with accrued interest) exceeds \$1.5 million.

Biocomposites GmbH, formerly Artoss GmbH, is a subsidiary of Biocomposites Ltd, an infection control company based in Keele, United Kingdom, that is owned by TA Associates, a private equity firm based in Boston, MA.

Paul Byerley, Chief Executive Officer of Artoss, Inc., the exclusive North American distributors for

NanoBone, commented, "This has been an extremely challenging period in our company's history. I am pleased that the court saw fit to reaffirm our rights under our distribution agreement with Biocomposites GmbH. I am very grateful to our investors

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for their support during this time and especially to our employees and sales agents who continued to provide outstanding service to our customers. We look forward to accelerating sales growth now that this dispute has been resolved."

There is growing acceptance by orthopaedic surgeons that not all bone graft substitutes are the same. The rapid formation of an osteogenic matrix within 14 days and evidence of clinical and radiographic healing in as little as 8 weeks supports the use of NanoBone to treat a broad range of bone defects.

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NanoBone was first cleared by the Food and Drug Administration (FDA) in 2015. Clinical publications have identified bone graft substitutes as an increasingly important component of many orthopaedic procedures. Consistent healing in orthopaedic procedures is a significant unmet clinical need and one where NanoBone may provide an effective option.

NanoBone is commercially available in the U.S. exclusively through Artoss, Inc. and is intended to fill bony voids or gaps of the skeletal system (i.e., extremities, posterolateral spine and pelvis). These osseous defects are surgically created or the result of traumatic injury to the bone and are not intrinsic to the stability of the bony structure. NanoBone is cleared by FDA for use as a standalone graft in all indications without the need to add blood, bone marrow aspirate, or autograft. NanoBone SBX Putty resorbs and is replaced with bone during the healing process.

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About Artoss, Inc.

Artoss, Inc. (St. Cloud, MN) is a medical device distribution company that provides the most advanced bone graft substitutes to treat multiple orthopaedic indications. The company markets NanoBone Bone Graft Substitute exclusively in the U.S., which gives clinical outcomes comparable to autograft with less postoperative pain and fewer complications. Artoss, Inc. has an experienced management team with extensive experience in orthopaedic medical devices.

Paul Byerley

Artoss, Inc.

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