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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

NUVASIVE, INC., <p style="text-align: right;">Plaintiff,</p> v. ALPHATEC HOLDINGS, INC. et al., <p style="text-align: right;">Defendants.</p>	
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Case No.: 3:18-CV-347-CAB-MDD
CLAIM CONSTRUCTION ORDER

On March 20, 2019, the Court held a hearing to construe certain disputed terms and phrases of the patents at issue in this lawsuit. Having considered the submissions of the parties, the arguments of counsel, and for the reasons set forth at the hearing, the Court enters the claim constructions listed below.

Claim Term	U.S. Patent No.	Court’s Construction
rigidly coupled	7,819,801	fixed and immovably connected
distraction assembly	8,439,832	collection or group of components that operate together to create a tissue distraction corridor
slidably engageable	8,355,780	slides to contact


1 In addition the Court adopts the parties’ agreed upon constructions of the following
 2 terms:

Claim Term	U.S. Patent No.	Construction
plurality of sequential dilators	7,819,801	two or more sequential dilators
trajectory	9,833,227	direction or path
plurality of dilators / plurality of sequential dilators	9,974,531	two or more dilators
Wherein the first, second, and third retractor blades are adjacent to one another in the closed position the first, second, and third retractor blades abut one another	9,974,531	wherein when the first, second, and third retractor blades are adjacent to one another in the closed position such that the first, second, and third retractor blades abut one another

15 As for the term “**lateral, transpoas path**”, as used in many of the patents at issue
 16 in this case, the Court understands that the parties agree that it means “approach to the
 17 lumbar spine that (1) approaches from the patient's lateral aspect (or side); and (2) goes
 18 through the psoas muscle,” *see In re NuVasive, Inc.*, 693 F. App’x 893, 900–01 (Fed. Cir.
 19 2017), but that the parties dispute whether this term is limiting. The Court takes this issue
 20 under submission and will issue a ruling in due course.

21 It is **SO ORDERED**.

22 Dated: March 20, 2019

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 25 Hon. Cathy Ann Bencivengo
 26 United States District Judge
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