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15 UNITED STATES DISTRICT COURT
 16 SOUTHERN DISTRICT OF CALIFORNIA
 17 SAN DIEGO DIVISION

18 NUVASIVE, INC., a Delaware
 19 corporation,
 20 Plaintiff,
 21 v.
 22 ALPHATEC HOLDINGS, INC., a
 23 Delaware corporation, and
 24 ALPHATEC SPINE, INC., a
 25 California corporation,
 26 Defendants.

Case No. 18-cv-00347-CAB-MDD
**NUVASIVE, INC.’S NOTICE OF
 MOTION AND MOTION FOR
 PARTIAL SUMMARY JUDGMENT**
 Judge: Hon. Cathy Ann Bencivengo
 Courtroom: 4C
 PER CHAMBERS RULES, NO ORAL
 ARGUMENT UNLESS
 SEPARATELY ORDERED BY THE
 COURT

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TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Plaintiff NuVasive, Inc. (“NuVasive”) will and hereby does move for partial summary judgment against Defendants Alphatec Holdings, Inc. and Alphatec Spine, Inc. (collectively, “Alphatec”).

This Motion is based upon this Notice of Motion, the accompanying Memorandum of Points and Authorities, the supporting Declaration of Wendy L. Devine, the pleadings and exhibits on file herein, the arguments of counsel and any information presented at the hearing, and such other matters as the Court may consider in connection with this Motion.

Dated: January 17, 2020

WILSON SONSINI GOODRICH & ROSATI

By: /s/ Wendy L. Devine

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Michael T. Hilgers, *pro hac vice*

Attorneys for Plaintiff NuVasive, Inc.

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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document has been served on this date to all current and/or opposing counsel of record, if any to date, who are deemed to have consented to electronic service via the Court’s CM/ECF system per Civ.L.R. 5.4(d). Any other counsel of record will be served by electronic mail, facsimile and/or overnight delivery.

I declare under penalty of perjury under the Laws of the United States of America that the above is true and correct. Executed this 17 day of January 2020, at San Diego, California.

By: /s/ Arlene Apodaca
ARLENE APODACA