

1 NIMALKA R. WICKRAMASEKERA (SBN: 268518)
2 nwickramasekera@winston.com
3 DAVID P. DALKE (SBN: 218161)
4 ddalke@winston.com
5 LEV TSUKERMAN (SBN: 319184)
6 lsukerman@winston.com
7 WINSTON & STRAWN LLP
8 333 S. Grand Avenue
9 Los Angeles, CA 90071-1543
10 Telephone: (213) 615-1700
11 Facsimile: (213) 615-1750

12 BRIAN J. NISBET (*Pro Hac Vice*)
13 bnisbet@winston.com
14 SARANYA RAGHAVAN (*Pro Hac Vice*)
15 sraghavan@winston.com
16 WINSTON & STRAWN LLP
17 35 West Wacker Drive
18 Chicago, IL 60601-9703
19 Telephone: (312) 558-5600
20 Facsimile: (312) 558-5700

21 CORINNE STONE HOCKMAN (*Pro Hac Vice*)
22 chockman@winston.com
23 WINSTON & STRAWN LLP
24 1111 Louisiana Street, 25th Floor
25 Houston, TX 77002-5242
26 Telephone: (713) 651-2600
27 Facsimile: (713) 651-2700

28 Attorneys for Defendants
ALPHATEC HOLDINGS, INC. AND ALPHATEC SPINE, INC.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA - SAN DIEGO DIVISION

NUVASIVE, INC., a Delaware corporation,

Plaintiff,

v.

ALPHATEC HOLDINGS, INC., a Delaware corporation and ALPHATEC SPINE, INC., a California corporation,

Defendants.

Case No. 18-CV-00347-CAB-MDD

DEFENDANTS' MOTION FOR FEES AND COSTS

Judge: Hon. Cathy Ann Bencivengo
Courtroom: 4C

PER CHAMBERS RULES, NO ORAL ARGUMENT UNLESS SEPARATELY ORDERED BY THE COURT

1 **TO THE COURT, ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 **NOTICE IS HEREBY GIVEN** that if ordered by the Court, on a date to be
3 determined by the Court, or as otherwise ordered, the matter may be heard by the above-
4 titled court, located at 221 West Broadway, San Diego, CA 92101, where Defendants
5 ALPHATEC HOLDINGS, INC., and ALPHATEC SPINE, INC. will and hereby do
6 move the Court for an order granting Defendants' Motion for Fees and Costs.

7 Defendants bring this motion for fees and costs based on the Court's order at
8 Doc. No. 232.

9 This motion is based upon this notice, the memorandum of points and authorities
10 filed concurrently herewith, the accompanying declaration of Brian J. Nisbet (and all
11 exhibits attached thereto), all pleadings, papers, and records on file in this action, all
12 matters subject to judicial notice, and such oral argument as may be presented at the
13 hearing of this matter.

14 Dated: January 29, 2020

WINSTON & STRAWN LLP

16 By: /s/ Nimalka R. Wickramasekera
17 NIMALKA R. WICKRAMASEKERA
18 BRIAN J. NISBET
19 DAVID P. DALKE
SARANYA RAGHAVAN
CORINNE STONE HOCKMAN
LEV TSUKERMAN

20 Attorneys for Defendants
21 ALPHATEC HOLDINGS, INC. AND
ALPHATEC SPINE, INC.

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was filed with the Court's CM/ECF system which will provide notice to all counsel deemed to have consented to electronic service. All other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing document by mail on this day.

I declare under penalty of perjury under the Laws of the United States of America that the above is true and correct. Executed this 29th day of January, 2020 at Los Angeles, California.

Dated: January 29, 2020

WINSTON& STRAWN LLP

By: /s/ Nimalka R. Wickramasekera
NIMALKA R. WICKRAMASEKERA