

## **EXHIBIT 57**

**TO DECLARATION OF WENDY L. DEVINE  
IN SUPPORT OF NUVASIVE, INC.'S  
OPPOSITION TO DEFENDANTS' MOTION  
FOR SUMMARY JUDGMENT OR, IN THE  
ALTERNATIVE, SUMMARY  
ADJUDICATION**

**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. )

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

**OPENING EXPERT REPORT OF JIM YOUSSEF**

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    - ii. [1B]—a dilator system comprising a plurality of sequential dilators deliverable along a lateral, trans-psoas path to a targeted spinal site to create a distraction corridor ..... 45
    - iii. [1C]—a handle assembly including a first pivotable arm member, a second pivotable arm member that pivots relative to said first arm member in response to manual adjustment of a component of the handle assembly, and a translating member adapted to move longitudinally relative to said first and second arm members ..... 47
    - iv. [1D]—a first retractor blade having a generally concave inner-facing surface and being rigidly coupled to said first pivotable arm member prior to introduction toward the targeted spinal site, a second retractor blade having a generally concave inner-facing surface and being rigidly coupled to said second pivotable arm member prior to introduction toward the targeted spinal site, and a third retractor blade rigidly coupled to said translating member prior to introduction toward the targeted spinal site ..... 49

v. [1E]—an intradiscal shim element that releasably mounts to the third retractor blade such that a maximum length of the intradiscal shim element extends generally parallel to a maximum length of the third retractor blade and a distal tip portion of the intradiscal shim element extends distally of the distal end of the third retractor blade, wherein the intradiscal shim element engages with a groove defined by the third retractor blade to penetrate into a spinal disc at the targeted spinal site when the intradiscal shim element is releasably mounted to the third retractor blade; and..... 52

vi. [1F]—said handle assembly being configured to simultaneously introduce said first, second and third retractor blades along the lateral, trans-psoas path toward the targeted spinal site in a closed position while the generally concave inner-facing surfaces of said first and second retractor blades engage with an outermost dilator of the dilator system and thereafter opened by pivoting said first and second pivotable arm members relative to one another to create an operative corridor to said surgical target site..... 55

B. Claim 2..... 58

i. [2A]—The system of claim 1, further comprising a K-wire configured to be advance [sic] along the lateral, trans-psoas path to the targeted spinal site and engage an annulus of said spinal disc, the K-wire further configured to extend entirely through a dilator of said dilator system from the annulus of the spinal disc to a position beyond a proximal most end of the dilator system. .... 58

C. Claim 6..... 59

i. [6A]—The system of claim 1, wherein at least one of said plurality of sequential dilators is equipped with at least one stimulation electrode. .... 59

D. Claim 15..... 60

i. [15A]—The system of claim 1, wherein each of the plurality of sequential dilators includes a stimulation electrode at a distal region. .... 60

E. Claim 16..... 61

i. [16A]—The system of claim 15, further comprising a K-wire configured to be advanced to the targeted spinal site and to engage an annulus of said spinal disc at the targeted spinal site, wherein at least one of the plurality of sequential dilators are deliverable over the K-wire. .... 61

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i. [17A]—The system of claim 1, wherein the first retractor blade includes a groove formed along said generally concave inner-facing surface of the first retractor blade. .... 62

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