

EXHIBIT 61

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

PATENT ASSIGNMENT

Electronic Version v1.1
 Stylesheet Version v1.1

SUBMISSION TYPE:	NEW ASSIGNMENT																
NATURE OF CONVEYANCE:	ASSIGNMENT																
CONVEYING PARTY DATA																	
<table border="1"> <thead> <tr> <th>Name</th> <th>Execution Date</th> </tr> </thead> <tbody> <tr> <td>Patrick Miles</td> <td>07/20/2004</td> </tr> <tr> <td>Scot Martinelli</td> <td>07/20/2004</td> </tr> <tr> <td>Eric Finley</td> <td>07/20/2004</td> </tr> <tr> <td>James Gharib</td> <td>07/20/2004</td> </tr> <tr> <td>Allen Farquhar</td> <td>07/20/2004</td> </tr> <tr> <td>Norbert F. Kaula</td> <td>07/21/2004</td> </tr> <tr> <td>Jeffrey J. Blewett</td> <td>04/07/2004</td> </tr> </tbody> </table>		Name	Execution Date	Patrick Miles	07/20/2004	Scot Martinelli	07/20/2004	Eric Finley	07/20/2004	James Gharib	07/20/2004	Allen Farquhar	07/20/2004	Norbert F. Kaula	07/21/2004	Jeffrey J. Blewett	04/07/2004
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<table border="1"> <tr> <td>Name:</td> <td>NuVasive, Inc.</td> </tr> <tr> <td>Street Address:</td> <td>7475 Lusk Boulevard</td> </tr> <tr> <td>City:</td> <td>San Diego</td> </tr> <tr> <td>State/Country:</td> <td>CALIFORNIA</td> </tr> <tr> <td>Postal Code:</td> <td>92121</td> </tr> </table>		Name:	NuVasive, Inc.	Street Address:	7475 Lusk Boulevard	City:	San Diego	State/Country:	CALIFORNIA	Postal Code:	92121						
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CORRESPONDENCE DATA																	
<p>Fax Number: (877)769-7945 <i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i></p> <p>Phone: (612) 335-5070 Email: edl@fr.com Correspondent Name: Michael T. Hawkins Address Line 1: FISH & RICHARDSON P.C. Address Line 2: P.O.BOX 1022 Address Line 4: MINNEAPOLIS, MINNESOTA 55440-1022</p>																	
ATTORNEY DOCKET NUMBER:	13958-0076005																
PATENT																	

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NAME OF SUBMITTER:

Michael T. Hawkins

Total Attachments: 4

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PATENT

ASSIGNMENT OF PATENT APPLICATION

WHEREAS, *Patrick Miles*, of 5227 Greenwillow Lane, San Diego, CA 92130; *Scot Martinelli*, of 9624 Paseo Montril, San Diego, CA 92129; *Eric Finley*, of 10548 Caminito Banyon, San Diego, CA 92131; *James Gharib*, of 10918 Derrydown Way, San Diego, CA 92130; *Allen Farquhar*, of 6220 Hannon Court, San Diego CA, 92117; *Norbert Kaula*, of 8258 West 72nd Avenue, Arvada, CO 80005; *Jeffrey Blewett (deceased)*, of San Diego, CA 92131, hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: SURGICAL ACCESS SYSTEM AND RELATED METHODS

Date(s) of execution of Declaration: 7/20/04 ; 7/21/04 ; 4/7/04

Filing Date: January 16, 2004

Application No.: 10/759,811

WHEREAS, *NuVasive, Inc.*, a Corporation of the State of Delaware, located at 10065 Old Grove Road, San Diego, CA, 92131, hereinafter referred to as "Assignee," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;


For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that they will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including patent applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

Assignors hereby authorize and request Jonathan Spangler, Esq. 10065 Old Grove Road, San Diego, CA, 92131, to insert herein above the application number and filing date of said application when known.

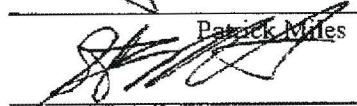
IN TESTIMONY WHEREOF, Assignors has signed their names on the dates indicated.

Dated: 7/20/04



Patrick Miles

Dated: 7/20/04



Scot Martinelli

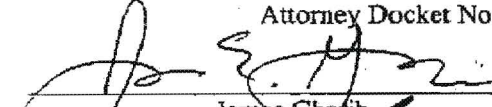
Dated: 7/20/04



Eric Finley

Application No. 10/759,811
Attorney Docket No. 039US1

Dated: 20 Jul 04


James Charib

Dated: 20 JULY 2004


Allen Farquhar

Dated: _____

Norbert Kaula

Dated: _____

Jeffrey Blewett

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