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11 *Attorneys for Plaintiff NuVasive, Inc.*

12 UNITED STATES DISTRICT COURT  
 13 SOUTHERN DISTRICT OF CALIFORNIA  
 14 SAN DIEGO DIVISION

<p>15 NUVASIVE, INC., a Delaware          16 corporation,          17 Plaintiff,          18 v.          19 ALPHATEC HOLDINGS, INC., a          20 Delaware corporation, and ALPHATEC          21 SPINE, INC., a California corporation,          22 Defendants.</p>	<p>) Case No. 18-cv-00347-CAB-MDD          )          ) <b>NUVASIVE, INC.’S NOTICE OF</b>          ) <b>MOTION AND MOTION TO</b>          ) <b>STRIKE ALPHATEC’S</b>          ) <b>INVALIDITY CONTENTIONS</b>          )          ) Judge: Hon. Cathy Ann Bencivengo          ) Courtroom: 4C          )          ) PER CHAMBERS RULES, NO          ) ORAL ARGUMENT UNLESS          ) SEPARATELY ORDERED BY THE          ) COURT</p>
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1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 PLEASE TAKE NOTICE that Plaintiff NuVasive, Inc. (“NuVasive”) will and  
3 hereby does move that this Court grant Plaintiff’s Motion to Strike Defendants  
4 Alphatec Holdings, Inc. and Alphatec Spine, Inc.’s (collectively, “Alphatec”)  
5 Invalidation Contentions.

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

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Dated: November 25, 2020 **WILSON SONSINI GOODRICH & ROSATI**

By: /s/ Paul D. Tripodi II  
Paul D. Tripodi II (SBN162380)  
Christina Dashe (SBN 292360)

**HILGERS GRABEN PLLC**  
Michael T. Hilgers, *pro hac vice*  
Trenton D. Tanner, *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 25th day of November 2020 at Los Angeles, California.

By: /s/ Hilda Vecino  
Hilda Vecino