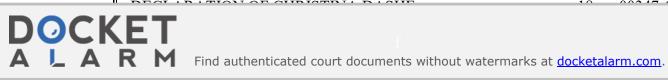
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12	UNITED STATES DISTRICT COURT	
13	SOUTHERN DISTRICT OF CALIFORNIA	
14	SAN DIEGO DIVISION	
15	NUVASIVE INC., a Delaware corporation,	Case No. 18-cv-00347-CAB-MDD
16	Plaintiff,	DECLARATION OF CHRISTINA DASHE IN SUPPORT OF
17	V.	NUVASIVE, INC.'S MOTION TO STRIKE ALPHATEC'S
18	,	INVALIDITY CONTENTIONS
19	ALPHATEC HOLDINGS, INC., a Delaware corporation, and ALPHATEC	) ) ) PER CHAMBERS RULES NO
20	Delaware corporation, and ALPHATEC SPINE, INC., a California corporation,	PER CHAMBERS RULES, NO ORAL ARGUMENT UNLESS SEPARATELY ORDERED BY THE
21	Defendants.	) COURT
22		Judge: Hon. Cathy Ann Bencivengo Magistrate Judge: Mitchell D. Dembin
23		) Wagistiate Judge. Wittenen D. Demoni )
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1. I am an associate with Wilson Sonsini Goodrich & Rosati, and
counsel for Plaintiff NuVasive, Inc. ("NuVasive") in the above captioned matter.
submit this Declaration in Support of NuVasive's Motion to Strike Defendants
Alphatec Holdings, Inc. and Alphatec Spine, Inc.'s ("Alphatec") Invalidity
Contentions. I have personal knowledge of the facts set forth herein based on
information made available to me and, if called as a witness, I would be competent
to testify thereto.

- Attached hereto as **Exhibit A** is a true and correct copy of the U.S. 2. Provisional Patent Application No. 60/557,536, filed March 29, 2004, Bates numbered NUVA ATEC0020805 - NUVA ATEC0020853.
- Attached hereto as **Exhibit B** is a true and correct copy of a webpage 3. with url https://web.archive.org/web20040208334016/http:/nuvasive.com/ from the Wayback Machine, Bates numbered NUVA ATEC0342156. Exhibit B displays a screengrab of NuVasive's website from February 8, 2004 regarding the "CoRoent Family of Radiolucent Systems."
- I initially accessed Exhibit B on October 18, 2020. I accessed Exhibit B through the following steps:
  - Navigated to "archive.org/web." i.
  - Typed "nuvasive.com" into the "browse history" search bar. ii.
  - Navigated to the saved "nuvasive.com" web pages from the year iii. 2004.
  - Selected the saved "nuvasive.com" web page from February 8, iv. 2004.
  - Enabled "Adobe Flash player" in the browser to load the graphics v. on the saved "nuvasive.com" web page.

DECLARATION OF CHRISTINA

18-cv-00347-CAB-MDD



- vi. Selected the "Maximum Access Surgery" text on the leftmost side of the top toolbar.
- vii. Selected "CoRoent" from the drop-down menu.
- 5. Attached hereto as **Exhibit C** is a true and correct copy of Defendants' Updated Preliminary Invalidity Contentions for U.S. Patent Nos. 8,361,156 and 8,187,334, dated October 15, 2020.
- 6. Attached hereto as **Exhibit D** is a true and correct copy of Defendants' Final Invalidity Contentions for U.S. Patent Nos. 8,361,156 and 8,187,334, dated November 12, 2020.
- 7. Attached hereto as **Exhibit E** is a true and correct copy of Defendant's Supplemental Final Invalidity Contentions for U.S. Patent Nos. 8,361,156 and 8,187,334 with supporting excerpted Appendices A & B, dated November 17, 2020.
- 8. Attached hereto as **Exhibit F** is a true and correct copy of an excerpt from Defendants' Amended Invalidity Contentions for U.S. Patent No. 8,361,156, dated December 7, 2018.
- 9. Attached hereto as **Exhibit G** is a true and correct copy of an excerpt from Defendants' Amended Invalidity Contentions for U.S. Patent No. 8,187,334, dated January 16, 2019.
- 10. Attached hereto as **Exhibit H** is a true and correct copy of correspondence between counsel for NuVasive and counsel for Alphatec, dated October 26 November 11, 2020.
- 11. On November 11, 2020, the parties in this case met and conferred pursuant to Local Civil Rule 26.1(a) regarding NuVasive's proposed motion to strike.

12. Attached hereto as **Exhibit I** is a true and correct copy of correspondence between counsel for NuVasive and counsel for Alphatec, dated November 16 – November 17, 2020.

13. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true. Executed this 25th day of November in 2020 in San Diego, California.

By: /s/ Christina Dashe
Christina Dashe

DECLARATION OF CHRISTINA

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## **INDEX OF EXHIBITS**

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