

EXHIBIT 14

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18 Attorneys for Plaintiff NuVasive, Inc.

19 UNITED STATES DISTRICT COURT
20 SOUTHERN DISTRICT OF CALIFORNIA
21 SAN DIEGO DIVISION

<p>22 NUVASIVE, INC., a Delaware corporation,</p> <p>23</p> <p>24 Plaintiff,</p> <p>25 v.</p> <p>26 ALPHATEC HOLDINGS, INC., a Delaware corporation and ALPHATEC 27 SPINE, INC., a California corporation,,</p> <p>28 Defendants.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>CASE NO. 18-cv-00347-CAB-MDD</p> <p>PLAINTIFF NUVASIVE, INC.’S RESPONSES TO DEFENDANTS’ FIRST SET OF INTERROGATORIES (NOS. 1-12)</p>
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1 Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Plaintiff
2 NuVasive, Inc. (“NuVasive”), by and through its undersigned counsel, hereby
3 responds to Defendants Alphatec Holdings, Inc. and Alphatec Spine, Inc.’s
4 (collectively “Alphatec” or “Defendants”) First Set of Interrogatories (Nos. 1-12) as
5 follows:

6 **GENERAL OBJECTIONS**

7 In addition to any specifically stated objections, NuVasive’s responses
8 herein are subject to and incorporate the following general objections:

9 1. NuVasive asserts each of the following General Objections and
10 expressly incorporates them into each response set forth below. By providing a
11 response to any interrogatory, NuVasive does not waive or otherwise limit these
12 General Objections. Furthermore, reference to any of these General Objections in
13 any specific response shall not waive or otherwise limit the applicability of all of
14 these General Objections to each and every response.

15 2. NuVasive objects to all definitions, instructions, and interrogatories to
16 the extent that they are unduly burdensome and oppressive, overly broad, vague,
17 ambiguous and/or to the extent it is inconsistent with and/or seeks to impose upon
18 NuVasive obligations beyond those required by the Federal Rules of Civil
19 Procedure, the Local Rules of the United States District Court for the Southern
20 District of California or any Court Order in this matter, including this Court’s
21 Scheduling Order. In responding to these interrogatories, NuVasive will only
22 comply with the obligations imposed on it by the Federal Rules of Civil Procedure,
23 the Local Rules of the United States District Court for the Southern District of
24 California, any applicable orders of this Court, and any stipulation or agreement
25 between the parties.

26 3. NuVasive objects to all definitions, instructions, and interrogatories to
27 the extent that they seek the disclosure of information that is not relevant to any
28 party’s claim or defense and proportional to the needs of the case.

1 In addition, the following are publicly available documents from which the
2 information requested can be ascertained: Public records of the documents filed in
3 the *inter partes* review proceedings for U.S. Patent Nos. 8,192,356; 8,000,782;
4 8,016,767; 7,582,058; 8,005,535; 8,361,156; and 8,187,334; and public records of
5 the documents filed in the reexamination proceedings for U.S. Patent Nos.
6 7,819,801; 7,570,236; 7,691,057; 7,582,058; and 7,207,949.

7 Discovery is ongoing and NuVasive reserves its right to amend or
8 supplement its response to this interrogatory.

9 **INTERROGATORY NO. 3:**

10 For each asserted claim of the patents-in-suit, describe in detail the facts and
11 circumstances relating to the first written description, offer for sale, sale, public
12 disclosure, public use, or disclosure to any person other than a named inventor of
13 the claimed invention, including, without limitation, the identities of the persons
14 involved in each such event, the identities of the persons most knowledgeable
15 regarding each such event, the date on which each such event occurred, and the
16 identification of each document that reflects or relates to such facts and
17 circumstances.

18 **RESPONSE TO INTERROGATORY NO. 3:**

19 NuVasive incorporates by reference each of the General Objections.
20 NuVasive objects to this interrogatory on the grounds that it contains at least three
21 discrete subparts, is compound, and constitutes at least three interrogatories.
22 NuVasive objects to this interrogatory as vague and ambiguous with respect to the
23 term “the circumstances.” NuVasive objects to this interrogatory on the grounds
24 and to the extent it is overly broad, unduly burdensome, not proportional to the
25 needs of the case, and not relevant to any claim or defense in this case.
26 Specifically, NuVasive objects to the interrogatory to the extent it calls for
27 NuVasive to “describe in detail” the circumstances relating to the first descriptions,
28

1 disclosures and sales of the claimed inventions. NuVasive objects to this
2 interrogatory to the extent it seeks “Privileged Information.” NuVasive objects to
3 this interrogatory to the extent it calls for legal conclusions. NuVasive objects to
4 this interrogatory to the extent it attempts the shift the burden of proof regarding
5 invalidity to NuVasive. NuVasive objects to this interrogatory to the extent it
6 seeks information no longer in NuVasive’s possession, custody, or control.

7 Subject to and without waiving the foregoing objections, NuVasive responds
8 as follows: the first written description for each of the patents-in-suit is at least as
9 early as the earliest priority date of the respective patent-in-suit based on the
10 earliest filed parent patent application.

11 Additionally, Alphatec has admitted that NuVasive’s “eXtreme Lateral
12 Interbody Fusion” product (or “XLIF”), which includes the MaXcess access
13 system and CoRoent XL implants, embodies the asserted claims of the patents-in-
14 suit. Doc. No. 48 at 16. Based on information available to NuVasive at this time,
15 NuVasive states that it launched aspects of XLIF in October 2003 at the North
16 American Spine Society (NASS) Annual Meeting, including its MaXcess access
17 system, and specifically MaXcess I. Persons involved in this this launch include
18 Pat Miles, Eric Finley, and Scott Martinelli. In addition, MaXcess III launched on
19 September 12, 2006, and MaXcess III Solid launched on November 13, 2008.

20 In October 2004, at NASS, NuVasive launched the CoRoent XL implant as
21 part of XLIF. The persons involved in the launch of CoRoent XL are Matthew
22 Curran, Matthew Copp, Scott Martinelli, Patrick Miles, and David Ivanko.

23 In addition, pursuant to Local Patent Rule 3.2(b) and Fed. R. Civ. P. 33(d),
24 NuVasive further states that it will produce and has produced non-privileged
25 documents from which the information requested can be ascertained, including
26 documents bearing the following Bates numbers:

27 NUVA_ATEC0000001 – NUVA_ATEC0000290;

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