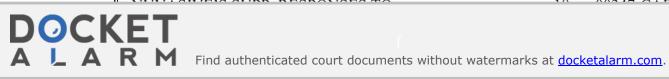
EXHIBIT 16

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7 8 9 10 11 12	Hilgers Graben PLLC MICHAEL T. HILGERS (<i>Pro Hac Vice</i>) mhilgers@hilgersgraben.com 575 Fallbrook Blvd, Suite 202 Lincoln, NE 68521 Telephone: 402-218-2106 Fax: 402-413-1880 Attorneys for Plaintiff NuVasive, Inc.	
1314	UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA – SAN DIEGO DIVISION	
15 16 17 18 19 20 21	NUVASIVE, INC., a Delaware corporation, Plaintiff, v. ALPHATEC HOLDINGS, INC., a Delaware corporation, and ALPHATEC SPINE, INC., a California corporation, Defendants.	PLAINTIFF NUVASIVE, INC.'S SUPPLEMENTAL RESPONSES TO DEFENDANTS' INTERROGATORY NOS. 1-7 AND 9-16 (IMPLANT PATENT PHASE) Judge: Cathy A. Bencivengo
222324252627		
20		



Pursuant to Rule 26 and 33 of the Federal Rules of Civil Procedure, Plaintiff NuVasive, Inc. ("NuVasive"), by and through its undersigned counsel, hereby responds to Defendants Alphatec Holdings, Inc. and Alphatec Spine, Inc.'s (collectively "Alphatec" or "Defendants") First Set of Interrogatories (Nos. 1-7 and 9-12) and Second Set of Interrogatories (Nos. 13-15) and Third Set of Interrogatories (No. 16) as follows:

GENERAL OBJECTIONS

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

- 1. NuVasive asserts each of the following General Objections and expressly incorporates them into each response set forth below. By providing a response to any interrogatory, NuVasive does not waive or otherwise limit these General Objections. Furthermore, reference to any of these General Objections in any specific response shall not waive or otherwise limit the applicability of all of these General Objections to each and every response.
- 2. NuVasive objects to all definitions, instructions, and interrogatories to the extent that they are unduly burdensome and oppressive, overly broad, vague, ambiguous and/or to the extent they are inconsistent with and/or seek to impose upon NuVasive obligations beyond those required by the Federal Rules of Civil Procedure, the Local Rules of the United States District Court for the Southern District of California, or any Court Order in this matter, including this Court's Scheduling Order. In responding to these interrogatories, NuVasive will only comply with the obligations imposed on it by the Federal Rules of Civil Procedure, the Local Rules of the United States District Court for the Southern District of California, any applicable orders of this Court, and any stipulation or agreement between the parties.

NUVASIVE'S SUPP. RESPONSES TO

18-cv-00347-MDD-CAB



1	• DHF-10-005 (re implants): NUVA_ATEC0181087 –		
2	NUVA_ATEC0181097;		
3	• DHF-10-009 (re access system): NUVA_ATEC0182802 –		
4	NUVA_ATEC0183485;		
5	• DHF-11-012 (re implants): NUVA_ATEC0190887 –		
6	NUVA_ATEC0190950;		
7	• DHF-11-013 (re implants): NUVA_ATEC0181098 –		
8	NUVA_ATEC0181916;		
9	• DHF-11-017 (re implants): NUVA_ATEC0181917 –		
10	NUVA_ATEC0182500;		
11	• DHF-13-002 (re shims and XLIF kit components): NUVA_ATEC0182501 –		
12	NUVA_ATEC0182515;		
13	• DHF-14-001 (re implants): NUVA_ATEC0182516 –		
14	NUVA_ATEC0182801;		
15	• DHF-14-020 (re dilators): NUVA_ATEC0012927 –		
16	NUVA_ATEC0012935.		
17	Discovery is ongoing and NuVasive reserves its right to amend or		
18	supplement its response to this interrogatory.		
19	THIRD SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 2:		
20	Pursuant to the Court's scheduling order (Doc. No. 293), NuVasive affirms		
21	its prior response and confirms it has no new information to supplement at this		
22	time.		
23	<u>INTERROGATORY NO. 3:</u>		
24	For each asserted claim of the patents-in-suit, describe in detail the facts and		
25	circumstances relating to the first written description, offer for sale, sale, public		
26	disclosure, public use, or disclosure to any person other than a named inventor of		
27			
28	NUVASIVE'S SUPP. RESPONSES TO 27 18-cv-00347-MDD-CAB		



the claimed invention, including, without limitation, the identities of the persons involved in each such event, the identities of the persons most knowledgeable regarding each such event, the date on which each such event occurred, and the identification of each document that reflects or relates to such facts and circumstances.

RESPONSE TO INTERROGATORY NO. 3:

NuVasive incorporates by reference each of the General Objections. NuVasive objects to this interrogatory on the grounds that it contains at least three discrete subparts, is compound, and constitutes at least three interrogatories. NuVasive objects to this interrogatory as vague and ambiguous with respect to the term "the circumstances." NuVasive objects to this interrogatory on the grounds and to the extent it is overly broad, unduly burdensome, not proportional to the needs of the case, and not relevant to any claim or defense in this case.

Specifically, NuVasive objects to the interrogatory to the extent it calls for NuVasive to "describe in detail" the circumstances relating to the first descriptions, disclosures and sales of the claimed inventions. NuVasive objects to this interrogatory to the extent it seeks "Privileged Information." NuVasive objects to this interrogatory to the extent it calls for legal conclusions. NuVasive objects to this interrogatory to the extent it attempts the shift the burden of proof regarding invalidity to NuVasive. NuVasive objects to this interrogatory to the extent it seeks information no longer in NuVasive's possession, custody, or control.

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

NUVASIVE'S SUPP. RESPONSES TO

18-cv-00347-MDD-CAB



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