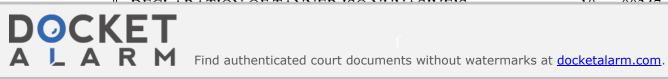1 **WILSON SONSINI GOODRICH & ROSATI P.C.**
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11 *Attorneys for Plaintiff NuVasive, Inc.*

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	) **DECLARATION OF TRENT**
Plaintiff,	) **TANNER IN SUPPORT OF**
17	) **NUVASIVE, INC.'S REPLY IN**
v.	) **SUPPORT OF MOTION TO**
18	) **STRIKE ALPHATEC'S**
	) **INVALIDITY CONTENTIONS**
19 ALPHATEC HOLDINGS, INC., a Delaware corporation, and ALPHATEC	)
20 SPINE, INC., a California corporation,	) PER CHAMBERS RULES, NO
	) ORAL ARGUMENT UNLESS
21 Defendants.	) SEPARATELY ORDER BY THE
	) COURT
22	)
	)
23	) Judge: Hon. Cathy Ann Bencivengo
	) Courtroom -4C
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DECLARATION OF TANNER ISO NUVASIVE'S   18-cv-00347-CAB-MDD

I, Trent D. Tanner, declare as follows:

1.   I am a partner with Hilgers Graben PLLC and counsel for Plaintiff NuVasive, Inc., ("NuVasive") in the above captioned matter. I submit this Declaration in Support of NuVasive's Reply In Support of 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.

2.   Attached hereto as **Exhibit J** is a true and correct copy of excerpts to the Non-Provisional Application No. 60/557,536, filed March 29, 2005, bearing bates numbers NUVA_ATEC0020856- NUVA_ATEC0020910.

3.   Attached hereto as **Exhibit K** is a true and correct copy of excerpts to Plaintiff NuVasive, Inc.'s Supplemental Objections and Responses to Defendants' First Set of Interrogatories (Nos. 1-4, 8, 10, 11), dated October 22, 2018.

4.   Attached hereto as **Exhibit L** is a true and correct copy of excerpts to Plaintiff NuVasive, Inc.'s Fourth Supplemental Responses to Defendants' Interrogatory Nos. 3 and 13 (Implant Patent Phase), dated October 16, 2020.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true. Executed this 15th day of January 2021 in Lincoln, Nebraska.

By: _____/s/ *Trent Tanner*_____
        Trent D. Tanner

DECLARATION OF TANNER ISO NUVASIVE'S   1   18-cv-00347-CAB-MDD

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DECLARATION OF TANNER ISO NUVASIVE'S   2   18-cv-00347-CAB-MDD

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 15th day of January 2021 at San Diego, California.

By: / s/ Arlene Apodaca
Arlene Apodaca