

# EXHIBIT 13

TO THE DECLARATION OF BRIAN J.  
NISBET IN SUPPORT OF DEFENDANTS'  
OPPOSITION TO NUVASIVE'S MOTION  
FOR PARTIAL SUMMARY JUDGMENT  
AND MOTION TO EXCLUDE

Sec

---

---

# The American He D

---

---

168 02 007

WASTS & VIF

**Second College Edition**

---

---

**an Heritage  
Dictionary**

---

---



Houghton Mifflin Company  
Boston New York London

Words that are believed to be registered trademarks have been checked with authoritative sources. No investigation has been made of common-law trademark rights in any word, because such investigation is impracticable. Words that are known to have current registrations are shown with an initial capital and are also identified as trademarks. The inclusion of any word in this Dictionary is not, however, an expression of the Publisher's opinion as to whether or not it is subject to proprietary rights. Indeed, no definition in this Dictionary is to be regarded as affecting the validity of any trademark.

Copyright © 1982, 1985, 1991 by Houghton Mifflin Company. All rights reserved.

No part of this work may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying and recording, or by any information storage or retrieval system without the prior written permission of Houghton Mifflin Company unless such copying is expressly permitted by federal copyright law. Address inquiries to Permissions, Houghton Mifflin Company, 2 Park Street, Boston, MA 02108.

**Library of Congress Cataloging in Publication Data**  
Main entry under title:

American Heritage dictionary.  
Rev. ed. of: American Heritage dictionary of the English language. New college ed. c1976.  
1. English language—Dictionaries. I. Morris, William, 1913—  
PE1625.A54 1982 423 82-9346  
ISBN 0-395-32943-4  
ISBN 0-395-32944-2 (thumb index)  
ISBN 0-395-33959-6 (deluxe edition)

Manufactured in the United States of America

INTRODUC  
STAFF ....  
USAGE PA  
CONSULTA  
SPECIAL A  
Language,  
Lee Peder  
Usage and  
Dwight Bc  
William F.  
English and  
Geoffrey I  
The Mathe  
Henry Ku  
GUIDE TO  
STYLE MA  
PRONUNCI  
DICTIONAI  
BIOGRAPH  
GEOGRAPH  
ABBREVIA  
FOUR-YEA  
TWO-YEAF  
PICTURE C



Washington and British Columbia. [*Waka-good*]. —*Waksh-an* *adj.*  
**wake** (wōk) or **waked** (wākt), **waked** or **walking**, **wakes**. —*intr.* 1. a. To cease to sleep; b. To be brought into a state of awareness or to keep watch or guard, esp. over a corpse. *cmain awake*. —*r.* 1. To rouse from sleep; stir, as from a dormant or inactive condition; *ld animosities*. 3. To make aware of; alert: *It he facts*. 4. a. To keep a vigil over. b. To hold —*n.* 1. a. A watch; vigil. b. A watch over the ased person before burial, sometimes accomy. 2. *wakes* (used with a sing. or pl. verb). parish festival held annually, often in honor saint. 3. *wakes* (used with a sing. or pl. verb). annual vacation. [ME *waken* < OE *wacian*] t. 1. The visible track of turbulence left by zing through water: *the wake of a ship*. 2. The left behind something that has passed: *The in its wake*. —*idiom.* In the wake of. 1. Follow upon. 2. In the aftermath of; as a consess. < MLG < ON *vōk*, hole in the ice.]  
**wake** *adj.* 1. a. Not sleeping or able to sleep; sleepless. 2. Watchful; alert. —*wake* *fully* *ness* *n.*  
**wake** *verb* *n.* Unbroken. Used of sleep.  
**wake** *v.* —*ened*, —*ening*, —*ens*. —*tr.* 1. To rouse ake. 2. To rouse from a quiescent or inactive r. To become awake; wake up. [ME *wakenen*] —*wake* *verb* *n.*  
**wake** *n.* 1. The trillium. 2. Any of sev- bloom early in the spring.  
**wal** *den* *pl.n.* A Christian sect of dissent- in southern France in the late 12th cent- Calvinist doctrines in the 16th century. Peter *Waldo*, their leader.] —*Wal* *den* *slan* t.  
**wal** *dōrf* *n.* A salad of diced raw apples, nuts mixed with mayonnaise. [After the *Wal-* otel, New York City, where it was first

A welt (sense 3.a). 2. a. One of the parallel n the surface of a fabric such as corduroy, or weave of such a fabric: *a wide wale*. : gunwale. b. One of the heavy planks or ng along the sides of a wooden ship. —*tr.v.* **wales**. To mark (the skin) with wales. [ME < riant of *Valhalla*.  
**walked**, **walk-ing**, **walks**. —*intr.* 1. To move y taking steps with the feet at a pace slower o go or travel on foot. 3. To go on foot for cise; stroll. 4. To move in a manner sugges- 5. To conduct oneself or behave in a par- lise: *He walks in peace and joy among his* To roam about in a visible form, as a ghost; *cter walks at midnight*. 7. a. *Baseball*. To go or the pitcher has thrown four balls. b. To . 8. *Obs.* To be in constant motion. —*tr.* s over, on, or through by walking: *walk the ring to a specified condition* by walking; *chausion*. 3. To cause to walk or proceed at *horse uphill*. 4. To accompany in walking; *walk her home*. 5. To traverse on foot in or measure; pace off: *walked the bounds of* To move (a heavy or cumbersome object) in stive of walking: *walk a bureau into a hall*. *illow* (a batter) to go to first base by pitch- *phrasal verbs*. **walk** *out*. 1. To go on strike. lenly, often as a signal of disapproval. **walk** l. To treat badly or contemptuously. 2. To uncontested victory. **walk** *through*. To per- example) in a perfunctory fashion, as at a —*n.* 1. a. The act or an instance of walking; leasure or exercise. b. The gait of a human- iped in which the feet are lifted alternately a foot always on the ground. c. The gait of which at least two feet are always touching the gait of a horse in which the feet touch : four-beat sequence of near hind foot, near d foot, off forefoot. d. The self-controlled ice of an astronaut. 2. a. The rate at which . b. The characteristic way in which one tance covered or to be covered in walking, sidewalk or promenade, on which one may *all*. The act or instance of taking first base ave been pitched to the batter. b. The act traveling with the basketball. c. *Sports*. A hich contestants compete in walking a e: *the 1,000-meter walk*. 6. An enclosed for the exercise or pasture of livestock. nt of or space between trees or shrubs / spaced rows. —*idioms*. **walk** *away* *from*. run, or defeat with little difficulty. 2. To ent) with very little injury. **walk** *off* *with*, or unexpectedly. 2. To steal. **walk** *of* *life*.

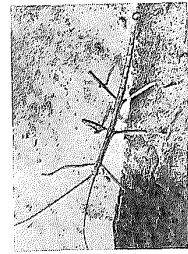
Social class or occupation. **walk** *out* *on*. *Informal*. To desert; abandon. **walk** *the plank*. To be executed at sea by walking the length of a plank and falling into the water. [ME *walken* < OE *wealcan*, to roll.]  
**walk-a-bout** (wōk'ə-'bout) *n.* 1. A brief retreat to the roam- ing life of the Australian bush occasionally taken by an aborigine as a respite from regular work. 2. A walking trip.  
**walk-a-way** (wōk'ə-'wā) *n.* A contest or victory easily won.  
**walk-er** (wōk'ər) *n.* 1. One that walks, esp. a contestant in a footrace. 2. A frame device used to support an infant learning to walk or a handicapped or convalescent person learning to walk again. 3. A shoe specially designed for walking comfortably.  
**walk-ie-talk-ie** also **walk-y-talk-y** (wōk'ē-tō'kē) *n., pl. -ies*. A battery-powered portable sending and receiving radio set.  
**walk-in** (wōk'īn) *adj.* 1. Large enough to admit entrance, as a closet. 2. Located so as to be entered directly from the street, as an apartment. —*n.* 1. A room large enough to admit entrance. 2. An easily won victory, esp. in an election. 3. A person who walks in without having an appointment.  
**walking bass** *n.* *Mus.* A repetitive bass figure composed of nonsyncopated eighth notes, used in jazz.  
**walking catfish** *n.* A catfish, *Clarius batrachus*, able to travel short distances on land between bodies of water.  
**walking delegate** *n.* A trade-union official appointed to inspect and confer with the local unions or to serve as a representative of the union in dealings with an employer.  
**walking fern** *n.* A North American fern, *Campytosorus rhizo-* *phyllus*, having leaflike fronds with slender tips that often take root.  
**walking leaf** *n.* 1. A walking fern. 2. A leaf insect.  
**walking papers** *pl.n.* *Informal*. Notice of discharge or dis- *missing stick* *n.* 1. A cane or staff used as an aid in walk- 2. Any of various insects of the family Phasmidae, hav- ing the appearance of twigs or sticks.  
**walk-on** (wōk'ōn', -ōn') *n.* 1. A minor role in a theatrical production, usually having no speaking lines. 2. An actor playing a walk-on role.  
**walk-out** (wōk'out) *n.* 1. A labor strike. 2. The act of leav- ing or quitting a meeting, company, or organization, esp. as a sign of protest.  
**walk-over** (wōk'ōvər) *n.* 1. A horse race with only one horse entered, won by the mere formality of walking the length of the track. 2. A walkaway.  
**walk-through** (wōk'thrō) *n.* 1. A brief rehearsal, as of a play or a role, performed usually in an early stage of production. 2. A television rehearsal during which no cameras are used.  
**walk-up** also **walk-up** (wōk'ūp) *n.* 1. An apartment house or office building with no elevator. 2. An apartment or of- fice in a walkup.  
**walk-way** (wōk'wā) *n.* A passage for walking.  
**walk-yrie** (vāl-kīr'ē, -kī'rē, vāl'kīr'ē, -kī'rē) *n.* *Myth.* Variant of *Valkyrie*.  
**walk-y-talk-y** (wōk'ē-tō'kē) *n.* Variant of *walkie-talkie*.  
**wall** (wōl) *n.* 1. An upright structure of masonry, wood, plas- ter, or other building material serving to enclose, divide, or protect an area, esp. a vertical construction forming an inner partition or exterior siding of a building. 2. Often *walls*. A continuous structure of masonry or other material form- ing a rampart and built for defensive purposes. 3. A struc- ture of stonework, cement, or other material built to retain a flow of water. 4. Something resembling a wall in appear- ance, function, or construction, as the exterior surface of a bodily organ or part: *the abdominal wall*. 5. The vertical surface of an ocean wave in surfing. 6. Something resem- bling a wall in impenetrability or strength: *a wall of silence*; *a wall of fog*. 7. An extreme or desperate condition or po- sition, such as defeat or ruin: *pushed us to the wall*. —*tr.v.* **walled**, **wall-ing**, **walls**. 1. To enclose, surround, or fortify with or as if with a wall: *wall up an old window*. 2. To divide or separate with or as if with a wall: *wall off half a room*. 3. To enclose within a wall; immerse. 4. To block or close (an opening or passage, for example) with or as if with a wall. —*idiom.* **up the wall**. *Informal*. Into a state of extreme frustration or distress: *tensions that are driving me up the wall*. [ME < OE *weall* < Lat. *wallum*, palisade < *walis*, stake.]  
**wal-la-by** (wōl'ə-'bē) *n., pl. -bies*. Any of various marsupials of the genus *Wallabia* and related genera, of Australia and adjacent islands, related to and resembling the kangaroos but generally smaller. [Native word in Australia.]  
**wal-lah** also **wal-la** (wōl'ā) *n.* One employed in a particular occupation or activity: *a kitchen walah*. [*cf.* Hindi *wālā*, per- taining to, connected with.]  
**wal-laroo** (wōl'ə-'rō) *n., pl. -roos*. A kangaroo, *Macropus robustus* or *Opshopantera robustus*, of hilly regions of Australia. [Native word in Australia.]  
**wall-board** (wōl'bōrd', -bōrd') *n.* Any of several structural boards or sheets of various materials, such as gypsum plas- ter encased in paper or compressed wood fibers and chips, used in construction as a substitute for plaster or wood pan- els.  
**wall creeper** *n.* A long-billed crimson and grayish bird, *Ti-*

walkabout waltz

*chodroma muraria*, of alpine regions of the Old World, char- acteristically seeking food on rocky cliffs or walls.  
**wal-let** (wōl'it) *n.* A flat pocket-size folding case, usually made of leather, for holding paper money, cards, or photo- graphs; billfold. [ME *wallet*, knapsack.]  
**wal-l-eye** (wōl'ī) *n.* 1. An eye in which the cornea is white or opaque. 2. *Pathol.* a. Leukoma of the cornea. b. A divergent strabismus. 3. A freshwater food and game fish, *Stizosted- ium vitreum*, of North America, having large, conspicuous eyes. [Back-formation from *WALLEYED*.]  
**wal-l-eyed** (wōl'īd) *adj.* 1. Having a whitish or grayish eye or eyes. 2. a. Having leukoma of the cornea. b. Having diver- gent strabismus. 3. a. Having large bulging or staring eyes. b. *Slang*. Having eyes with greatly distended pupils. 4. *Slang*. Drunk. [ME *wawileyed* < ON *vagleygr*: *vagl*, beam + *auga*, eye.]  
**wal-leyed pike** *n.* Walleye (sense 3).  
**wall fern** *n.* Any of various small low-growing ferns of the genus *Polypodium* characterized by creeping stems that form dense mats.  
**wal-flower** (wōl'flou'ər) *n.* 1. a. A widely cultivated plant, *Cheiranthus cheiri*, native to Europe, having fragrant yellow, orange, or brownish flowers. b. A similar, related plant, *Erysimum asperum*, of the western United States. 2. A per- son who does not participate in the activity at a social event because of shyness or unpopularity.  
**wall hanging** *n.* A decorative tapestry hung against a wall.  
**wal-loon** (wō-'loo'n) *n.* 1. One of a French-speaking people of Celtic descent inhabiting southern and southeastern Bel- gium and adjacent regions of France. 2. The dialect of French spoken by the Walloons. —*adj.* Of or pertaining to the Walloons or their language. [OFr. *Wallon* < Med. Lat. *Wallo*, of Germanic orig.]  
**wal-lop** (wōl'op) *Informal*. —*v.* -loped, -lop-ing, -lops. —*tr.* 1. To beat soundly; thrash. 2. To strike with a hard blow. 3. To defeat thoroughly. —*intr.* 1. To move in a rolling, clumsy manner; waddle. 2. To boil noisily. Used of a liquid. —*n.* 1. A hard or severe blow. 2. a. The ability to strike a wallop: *a punch that packs a wallop*. b. The capacity to cre- ate a forceful effect; impact. [ME *walopen*, to gallop < ONFr. *waloper*.] —*wal* *loper* *n.*  
**wal-loping** (wōl'ō-pīng) *Informal*. —*adj.* 1. Very large; huge: *a walloping fish*. 2. Very fine; truly smashing. —*adv.* To an exaggerated degree: *a walloping huge lie*. —*n.* A sound thrashing or defeat.  
**wal-low** (wōl'ō) *intr.v.* -lowed, -low-ing, -lows. 1. To roll the body about indolently or clumsily in water, snow, or mud. 2. To luxuriate; revel: *wallow in self-righteousness*. 3. To be abundantly supplied with something: *wallowing in money*. 4. To move with difficulty in a clumsy or rolling manner; flounder. 5. To swell or surge forth; billow. —*n.* 1. An act of wallowing. 2. A pool of water or mud where animals go to wallow. 3. The depression, pool, or pit produced by wal- lowing animals. 4. A condition of degradation or baseness. [ME *walwōnen* < OE *wealwian*.] —*wal* *lower* *n.*  
**wal-pa-per** (wōl'pā-'pər) *n.* Paper printed with designs or colors, used as a decorative wall covering. —*v.* -pered, -per- ing, -pers. —*tr.* To cover with wallpaper. —*intr.* To deco- rate a wall or room with wallpaper.  
**wall plate** *n.* 1. A horizontal timber situated along the top of a wall at the level of the eaves for bearing the ends of joists or rafters. 2. A plate used to attach a bracket or similar device to a wall.  
**wall plug** *n.* An electric socket, usually located in a wall, that is connected to and used as a source of electric power.  
**wall rock** *n.* The rock that forms the walls of a vein or lode.  
**wall rue** *n.* A small, delicate fern, *Asplenium ruta-muraria*, growing on rocks or in rocky crevices.  
**Wall Street** *n.* The controlling financial interests of the United States. [After *Wall Street*, New York City, the main street of the financial district.] —*Wall* *Street* *n.*  
**wal-to-wall** (wōl'tō-'wōl') *adj.* 1. Covering a floor com- pletely: *wal-to-wall carpeting*. 2. a. Present or spreading throughout an entire area: *wal-to-wall people at the conven- tion*. b. Found everywhere or including everything: *wal-to-wall luxury*. —*n.* A wal-to-wall carpet.  
**wal-nut** (wōl'nūt', -nət) *n.* 1. a. Any of several trees of the genus *Juglans*, having round, sticky fruit enclosing an edible nut. b. The ridged or corrugated nut of such a tree. 2. The hard, dark-brown wood of the walnut, used for gunstocks and in cabinetwork. [ME *walnot* < OE *wealhhamu*: *wealh*, Celt. foreigner + *hamu*, nut.]  
**Wal-purgis Night** (vāl-'pōr-gis) *n.* 1. The eve of May Day, believed in medieval Europe to be the occasion of a witches' Sabbath. 2. An episode or situation having the quality of nightmarish wildness associated with Walpurgis Night. [Partial transl. of G. *Walpurgisnacht*: *Walpurgis*, St. Wal- purga + *nacht*, night.]  
**wal-rus** (wōl'rās, wōl'-) *n., pl. walrus* or -rus-es. A large ma- rine mammal, *Odobenus rosmarus*, of Arctic regions, having tough, wrinkled skin and large tusks. [Du., of Scand orig.]  
**walrus mustache** *n.* A bushy, drooping mustache.  
**waltz** (wōlts) *n.* 1. A dance in triple time with a strong ac- cent on the first beat. 2. The music for a waltz. —*v.* **waltz-** ed, **waltz-ing**, **waltz-es**. —*intr.* 1. To dance the waltz. 2. To move unhesitatingly and briskly; flounce. 3. To accomplish a



walkie-talkie



walking stick



wallaby



walnut

p pop / r roar / s sauce / sh ship, dish / t tight / th thin, path / th this, bathe / ū cut / ūr urge / v valve / w with / y yes / z zebra, size / zh vision / ə about, item, edible, gallop, circus / œ Fr. feu, Ger. schön / ū Fr. tu, Ger. über / KH Ger. ich, Scot. loch / N Fr. bon.