

EXHIBIT 27

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

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION

NUVASIVE, INC., a Delaware)
corporation,)
Plaintiff,) Case No.
vs.) 3:18-CV-00347-CAB-MDD
ALPHATEC HOLDINGS, INC., a)
Delaware corporation and)
ALPHATEC SPINE, INC., a)
California corporation,)
Defendants)

The videotaped videoconference deposition
of BLAKE INGLISH, called for examination pursuant
to the Rules of Civil Procedure for the United
States District Courts pertaining to the taking of
depositions, taken in Austin, Texas, on the
18th day of January, 2021, at the hour of 9:10 a.m.

* * * HIGHLY CONFIDENTIAL * * *

Reported by: Gina M. Luordo, CSR, RPR, CRR

License No.: 084-004143

APPEARING REMOTELY FROM COOK COUNTY, ILLINOIS

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<p style="text-align: right;">Page 2</p> <p>1 REMOTE APPEARANCES:</p> <p>2 WILSON SONSINI GOODRICH & ROSATI P.C.</p> <p>3 BY: MR. ERIK CARLSON</p> <p>4 633 West Fifth Street, Suite 1550</p> <p>5 Los Angeles, California 90071</p> <p>6 (323) 210-2900</p> <p>7 ecarlson@wsgr.com</p> <p>8 Representing the Plaintiff;</p> <p>9</p> <p>10 WINSTON & STRAWN</p> <p>11 BY: MR. BRIAN J. NISBET</p> <p>12 35 West Wacker Drive</p> <p>13 Chicago, Illinois 60601</p> <p>14 (312) 558-3254</p> <p>15 bnisbet@winston.com</p> <p>16 Representing the Defendants.</p> <p>17</p> <p>18 * * * * *</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 Also Present: Mr. Alan Pokotilow - Videographer</p>	<p style="text-align: right;">Page 4</p> <p>1 THE VIDEOGRAPHER: We're on the record. The</p> <p>2 time is now 9:10 a.m. Today's Monday, January 18th</p> <p>3 of 2021. We're here today in Austin, Texas in the</p> <p>4 home office of Blake English for the videotaped</p> <p>5 deposition of Blake English in the matter of</p> <p>6 NuVasive, Inc., a Delaware corporation, v. Alphatec</p> <p>7 Holdings, Inc., a Delaware corporation and Alphatec</p> <p>8 Spine, Inc., a California corporation, Case</p> <p>9 No. 3:18-CV-00347-CAB-MDD to be heard before the</p> <p>10 United States District Court, Southern District of</p> <p>11 California, San Diego Division.</p> <p>12 I'm Alan Pokotilow, a forensic</p> <p>13 videographer here today on behalf of Veritext</p> <p>14 Midwest. Your court reporter today is Gina Luordo</p> <p>15 also here today on behalf of Veritext Midwest.</p> <p>16 Will counsel please state your name and affiliation</p> <p>17 for the record after which our court reporter will</p> <p>18 swear the witness, and we can proceed.</p> <p>19 MR. NISBET: Brian Nisbet with Winston & Strawn</p> <p>20 on behalf of the Alphatec entities.</p> <p>21 MR. CARLSON: Erik Carlson with Wilson Sonsini</p> <p>22 Goodrich & Rosati on behalf of plaintiff, Nuvasive.</p> <p>23 (Whereupon, the witness was</p> <p>24 sworn.)</p> <p>25</p>
<p style="text-align: right;">Page 3</p> <p>1 I N D E X</p> <p>2 WITNESS EXAMINATION</p> <p>3 BLAKE INGLISH</p> <p>4 By Mr. Nisbet 5</p> <p>5 By Mr. Carlson 275</p> <p>6</p> <p>7</p> <p>8 E X H I B I T S</p> <p>9 NUMBER DESCRIPTION PAGE</p> <p>10 Exhibit 1 Supplemental Expert Report 6</p> <p>11 of Blake English</p> <p>12 Exhibit 2 Exhibits and Schedules to 6</p> <p>13 Supplemental Expert Report</p> <p>14 of Blake English</p> <p>15 Exhibit 3 Supplemental Expert 7</p> <p>16 Report Update</p> <p>17 Exhibit 4 Updated Schedules - Excel 7</p> <p>18 Spreadsheets</p> <p>19 Exhibit 5 Declaration of Matthew Link 86</p> <p>20 Exhibit 6 Expert Report of Blake 202</p> <p>21 English November 8, 2019</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1 BLAKE INGLISH,</p> <p>2 having been first duly sworn, was examined and</p> <p>3 testified as follows:</p> <p>4 EXAMINATION</p> <p>5 BY MR. NISBET:</p> <p>6 Q. Good morning, Mr. English. I appreciate</p> <p>7 your time today. I hope you're doing well. Hold</p> <p>8 on. I just lost you. The perils of remote video.</p> <p>9 So obviously -- sorry. Okay. So</p> <p>10 obviously, you have been deposed many times before.</p> <p>11 I took your deposition last year or so, which feels</p> <p>12 like 50,000 years, but you, obviously, are familiar</p> <p>13 with the ground rules. Of course, if you need to</p> <p>14 take a break at any time, just let me know. I'm</p> <p>15 happy to accommodate that.</p> <p>16 Have you had a remote deposition yet?</p> <p>17 A. Yes, I have.</p> <p>18 Q. Okay. So you're sort of familiar with</p> <p>19 this format. It's probably more important that we</p> <p>20 try not to talk over each other. I will allow you</p> <p>21 to finish your answer if you allow me to finish my</p> <p>22 question. If I interrupt you as you give your</p> <p>23 answer, just let me know. It's not intentional, I</p> <p>24 assure you, but we'll get started.</p> <p>25</p>

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<p style="text-align: right;">Page 10</p> <p>1 least 100, 150 hours on it, and I think probably 2 the rest of my team spent another 100 to 150 hours. 3 Somewhere in that ballpark would be my best guess. 4 Q. Okay. How many people are working on your 5 team? 6 A. You know, I don't have a direct 7 recollection of everyone. My best guess is there 8 was probably three folks that might have 9 contributed at varying levels. 10 Q. Who is -- what is the name of your main 11 person? 12 A. I don't know that I would call it a main 13 person. They all contribute. I think -- there's a 14 managing director named Ryan Mehner that made 15 significant contributions to this report and 16 schedules. There's a senior managing consultant 17 named Kristi English that made significant 18 contributions. And I imagine there's another 19 senior managing director named Clark Nelson that 20 may have provided some assistance as well. I just 21 don't recall directly. 22 Q. Is Christy English related to you? 23 A. She is my better half. 24 Q. All right. How about that? 25 Now that's officially on the record. So</p>	<p style="text-align: right;">Page 12</p> <p>1 that, there were some additional discussions I had 2 with folks at Nuvasive. So you can let me know 3 what you want to talk about. 4 Q. Yeah. So I guess I'm most interested in 5 the conversations that you had specifically for 6 this November 2020 report. So after your last 7 report was served, you know, conversations you may 8 have had over the last few months with folks at 9 Nuvasive. 10 A. Sure. Without getting my report out, 11 which I believe I've identified a lot of those 12 conversations, some of the discussions that come to 13 mind are discussions with Matt Link, John English, 14 and Dr. Youssef. I believe those are some of the 15 discussions that I had getting ready for this 16 report. There were also folks in the accounting 17 department. I believe Dale Wolf was one of them. 18 And there may be more. I would just need 19 to look through my report and see if there's 20 anybody else that jumps out, but those are some of 21 the ones that come to mind. 22 Q. Sure. So just to be clear, you had 23 conversations with Matt Link, John English, and 24 Dr. Youssef at least in the few months leading up 25 to the service of your November 2020 expert report,</p>
<p style="text-align: right;">Page 11</p> <p>1 you could tell her it's sworn under oath. 2 A. You know, it is known far and wide. This 3 is nothing new. I would be the biggest fraud in 4 the world if I didn't acknowledge that. 5 Q. Okay. And obviously, you read your report 6 thoroughly prior to its service in November 2020; 7 is that correct? 8 A. I did read the report and the exhibits 9 before it was submitted. 10 Q. You signed off and made sure everything 11 was as truthful and accurate as it could be in 12 November 2020, correct? 13 A. I drafted it. I reviewed it and tried, to 14 the best of my ability, to have it reflect my 15 opinions at that time. 16 Q. In preparing the November 2020 report, did 17 you have any conversations with individuals with 18 Nuvasive? 19 A. Yes. 20 Q. Who did you speak with at Nuvasive? 21 A. Okay. I'm just trying to make your life 22 easier. You know, there were, obviously, some 23 conversations I had early on in preparing the 2019 24 report, and some of that information carries over 25 through in this latest report; but in addition to</p>	<p style="text-align: right;">Page 13</p> <p>1 correct? 2 A. That's correct. 3 Q. How many conversations have you had with 4 Matt Link? 5 A. At least one, maybe two. 6 Q. When was your first conversation with 7 Mr. Link? 8 A. Once again, I've had multiple 9 conversations with him over the years. Since the 10 submission of the first report, the time period 11 where I recall having a conversation with him would 12 be in the -- in the month or so before the report 13 was due in November 2020. 14 Q. So was this after it had been announced 15 that he was leaving Nuvasive? 16 A. Yes. 17 Q. What did you talk about to Mr. Link in 18 this -- 19 A. I don't know when it was announced or not. 20 I think through my conversations, it seemed to me 21 that I just kind of inferred that maybe he had not 22 necessarily left, but changed positions. So I'm 23 not sure if you want to say he left or he 24 announced, but in my conversation, it seemed like 25 he might have changed his position with the company</p>

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<p style="text-align: right;">Page 278</p> <p>1 I further certify that the taking of this</p> <p>2 deposition was pursuant to notice and that there</p> <p>3 were present at the deposition the attorneys</p> <p>4 hereinbefore mentioned.</p> <p>5 I further certify that I am not counsel</p> <p>6 for nor in any way related to the parties to this</p> <p>7 suit, nor am I in any way interested in the outcome</p> <p>8 thereof.</p> <p>9 IN TESTIMONY WHEREOF: I have hereunto set</p> <p>10 my hand and affixed my notarial seal this 24th day</p> <p>11 of January, 2021.</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16 </p> <p>17 NOTARY PUBLIC, COOK COUNTY, ILLINOIS</p> <p>18 LIC. NO. 084-004143</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 280</p> <p>1 DEPOSITION REVIEW</p> <p>2 CERTIFICATION OF WITNESS</p> <p>3</p> <p>4 ASSIGNMENT REFERENCE NO: 4400676</p> <p>5 CASE NAME: Nuvasive v. Alphatec</p> <p>6 DATE OF DEPOSITION: 1/18/2021</p> <p>7 WITNESS' NAME: Blake English</p> <p>8 In accordance with the Rules of Civil</p> <p>9 Procedure, I have read the entire transcript of</p> <p>10 my testimony or it has been read to me.</p> <p>11 I have made no changes to the testimony</p> <p>12 as transcribed by the court reporter.</p> <p>13</p> <p>14 Date <u>Blake English</u></p> <p>15 Sworn to and subscribed before me, a</p> <p>16 Notary Public in and for the State and County,</p> <p>17 the referenced witness did personally appear</p> <p>18 and acknowledge that:</p> <p>19</p> <p>20 They have read the transcript;</p> <p>21 They signed the foregoing Sworn</p> <p>22 Statement; and</p> <p>23 Their execution of this Statement is of</p> <p>24 their free act and deed.</p> <p>25 I have affixed my name and official seal</p> <p>this _____ day of _____, 20____.</p> <p>Notary Public</p> <p>Commission Expiration Date</p>
<p style="text-align: right;">Page 279</p> <p>1 Veritext Legal Solutions</p> <p>2 1100 Superior Ave</p> <p>3 Suite 1820</p> <p>4 Cleveland, Ohio 44114</p> <p>5 Phone: 216-523-1313</p> <p>6</p> <p>7 January 25, 2021</p> <p>8 To: Mr. Carlson</p> <p>9</p> <p>10 Case Name: Nuvasive v. Alphatec</p> <p>11</p> <p>12 Veritext Reference Number: 4400676</p> <p>13</p> <p>14 Witness: Blake English Deposition Date: 1/18/2021</p> <p>15</p> <p>16 Dear Sir/Madam:</p> <p>17</p> <p>18 Enclosed please find a deposition transcript. Please have the witness</p> <p>19 review the transcript and note any changes or corrections on the</p> <p>20 included errata sheet, indicating the page, line number, change, and</p> <p>21 the reason for the change. Have the witness' signature notarized and</p> <p>22 forward the completed page(s) back to us at the Production address</p> <p>23 shown</p> <p>24 above, or email to production-midwest@veritext.com.</p> <p>25 If the errata is not returned within thirty days of your receipt of</p> <p>this letter, the reading and signing will be deemed waived.</p> <p>Sincerely,</p> <p>Production Department</p> <p>NO NOTARY REQUIRED IN CA</p>	<p style="text-align: right;">Page 281</p> <p>1 DEPOSITION REVIEW</p> <p>2 CERTIFICATION OF WITNESS</p> <p>3</p> <p>4 ASSIGNMENT REFERENCE NO: 4400676</p> <p>5 CASE NAME: Nuvasive v. Alphatec</p> <p>6 DATE OF DEPOSITION: 1/18/2021</p> <p>7 WITNESS' NAME: Blake English</p> <p>8 In accordance with the Rules of Civil</p> <p>9 Procedure, I have read the entire transcript of</p> <p>10 my testimony or it has been read to me.</p> <p>11 I have listed my changes on the attached</p> <p>12 Errata Sheet, listing page and line numbers as</p> <p>13 well as the reason(s) for the change(s).</p> <p>14 I request that these changes be entered</p> <p>15 as part of the record of my testimony.</p> <p>16</p> <p>17 I have executed the Errata Sheet, as well</p> <p>18 as this Certificate, and request and authorize</p> <p>19 that both be appended to the transcript of my</p> <p>20 testimony and be incorporated therein.</p> <p>21</p> <p>22 Date <u>Blake English</u></p> <p>23</p> <p>24 Sworn to and subscribed before me, a</p> <p>25 Notary Public in and for the State and County,</p> <p>the referenced witness did personally appear</p> <p>and acknowledge that:</p> <p>They have read the transcript;</p> <p>They have listed all of their corrections</p> <p>in the appended Errata Sheet;</p> <p>They signed the foregoing Sworn</p> <p>Statement; and</p> <p>Their execution of this Statement is of</p> <p>their free act and deed.</p> <p>I have affixed my name and official seal</p> <p>this _____ day of _____, 20____.</p> <p>Notary Public</p> <p>Commission Expiration Date</p>

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