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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  
16 corporation,

17 Plaintiff,

18 v.

19 ALPHATEC HOLDINGS, INC., a  
 20 Delaware corporation, and ALPHATEC  
 21 SPINE, INC., a California corporation,

22 Defendants.  
23

) Case No. 18-cv-00347-CAB-MDD

) **JOINT STIPULATION FOR  
EXTENSION OF TIME**

) Judge: Hon. Cathy Ann Bencivengo  
Magistrate Judge: Mitchell D. Dembin

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Attorneys for Defendants  
ALPHATEC HOLDINGS, INC. AND ALPHATEC  
SPINE, INC.

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1 Plaintiff NuVasive, Inc. (“NuVasive,”) and Defendants Alphatec Holdings,  
2 Inc. and Alphatec Spine, Inc. (“Alphatec” and, with NuVasive, the “Parties”)  
3 hereby submit this Joint Stipulation to extend the deadline to file Reply  
4 Memoranda of Points and Authorities in support of the Parties’ respective motions  
5 for summary judgment and/or motion to exclude expert opinions, up to and  
6 including February 26, 2021. In support hereof, the Parties state as follows:

7 On January 26, 2021, NuVasive filed a Motion to Exclude Untimely,  
8 Unsupported, and Improper Expert Opinions (Doc. No. 302), as well as a Motion  
9 for Partial Summary Judgment (Doc. No. 303). That same day, Alphatec also filed  
10 a Motion for Summary Judgment (Doc. No. 304).

11 On February 16, 2021, the Parties filed their respective Responses in  
12 opposition to the above Motions (Doc. Nos. 305 and 306).

13 Currently, the deadline for the Parties to file Reply Memoranda in support of  
14 the above Motions is February 23, 2021. *See* Civil Local Rule 7.1.e.3.

15 The Parties met and conferred and have agreed to stipulate to an extension to  
16 file their respective Reply Memoranda, up to and including Friday, February 26,  
17 2021. This brief extension is intended to allow the Parties to present their  
18 respective arguments more effectively in support of the above Motions, as well as  
19 to provide the Parties additional time with which to comply with the Court’s  
20 Chambers Rules regarding the filing of confidential documents under seal, to the  
21 extent necessary in light of the recent opposition filings. *See* Chambers Rule V.  
22 This brief extension will not impact any other deadlines in the Court’s Scheduling  
23 Order (Doc. No. 293). Currently, no hearing has been set on the above Motions  
24 and the next deadline under the Scheduling Order is for pretrial disclosures, due  
25 April 9, 2021 (Doc. No. 293 at 3).

26 Accordingly, good cause exists to extend the deadline for the Parties to file  
27 their Reply Memoranda in support of their respective motions for summary  
28 judgment and/or to exclude expert opinions.

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Dated: February 17, 2021

**WINSTON & STRAWN LLP**

**WILSON SONSINI GOODRICH &  
ROSATI**

By: s/ Brian J. Nisbet  
Brian J. Nisbet

By: s/ Paul D. Tripodi II  
Paul D. Tripodi II

*Attorneys for Defendants Alphatec  
Holdings, Inc. and Alphatec Spine,  
Inc.*

*Attorneys for Plaintiff NuVasive, Inc.*

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**SIGNATURE ATTESTATION**

I, Paul D. Tripodi II, hereby attest that I obtained the concurrence of Brian Nisbet in filing this document. I declare under penalty of laws of the United States that the foregoing is true and correct.

Executed this 17<sup>th</sup> day of February 2021 at Los Angeles, California.

Dated: February 17, 2021

Respectfully submitted,

**WILSON SONSINI GOODRICH &  
ROSATI**

By: /s/ Paul D. Tripodi II  
Paul D. Tripodi II

*Attorneys for Plaintiff NuVasive, Inc.*

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