

1 **WILSON SONSINI GOODRICH & ROSATI P.C.**
 2 PAUL D. TRIPODI II (SBN 162380)
 3 ptripodi@wsgr.com
 4 WENDY L. DEVINE (SBN 246337)
 5 wdevine@wsgr.com
 6 NATALIE J. MORGAN (SBN 211143)
 7 nmorgan@wsgr.com
 8 633 West Fifth Street, Suite 1550
 9 Los Angeles, CA 90071
 10 Telephone: 323-210-2900
 11 Fax: 866-974-7329

7 **Hilgers Graben PLLC**
 8 MICHAEL T. HILGERS (*Pro Hac Vice*)
 9 mhilgers@hilgersgraben.com
 10 575 Fallbrook Blvd, Suite 202
 11 Lincoln, NE 68521
 12 Telephone: 402-218-2106
 13 Fax: 402-413-1880

14 *Attorneys for Plaintiff NuVasive, Inc.*

15 UNITED STATES DISTRICT COURT
 16 SOUTHERN DISTRICT OF CALIFORNIA
 17 SAN DIEGO DIVISION

<p>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.</p>	<p>) Case No. 18-cv-00347-CAB-MDD)) DECLARATION OF) CHRISTIANA GARRETT IN) SUPPORT OF NUVASIVE, INC.’S) REPLY IN SUPPORT OF) MOTION FOR PARTIAL) SUMMARY JUDGMENT AND) MOTION TO EXCLUDE EXPERT) OPINIONS (IMPLANT PATENTS))) PER CHAMBERS RULES, NO) ORAL ARGUMENT UNLESS) SEPARATELY ORDERED BY THE) COURT)) Judge: Hon. Cathy Ann Bencivengo) Courtroom: 4C</p>
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DECLARATION OF CHRISTIANA GARRETT IN SUPPORT OF NUVASIVE, INC.’S REPLY IN SUPPORT OF MOTION FOR PARTIAL SUMMARY JUDGMENT AND MOTION TO EXCLUDE EXPERT OPINIONS (IMPLANT PATENTS) 18-cv-00347-CAB-MDD

1 I, Christiana Garrett, declare the following:

2 1. I am an attorney at Wilson Sonsini Goodrich & Rosati, counsel for
3 Plaintiff, NuVasive, Inc. (“NuVasive”). I submit this Declaration in support of
4 NuVasive’s Reply in Support of its Motion for Partial Summary Judgment and
5 Motion to Exclude Expert Opinions (Implant Patents). I have personal knowledge
6 of the facts set forth herein. I could and would competently testify to those facts if
7 called upon to do so.

8 2. Attached hereto as **Exhibit 26** is a true and correct copy of excerpts of
9 the Deposition Transcript of Barton L. Sachs, M.D., M.B.A., F.A.C.P.E.,
10 F.A.C.H.E., dated January 11, 2021.

11 3. Attached hereto as **Exhibit 27** is a true and correct copy of a webpage
12 article about Wilhem Roentgen regarding “rays,” dated February 25, 2021.

13 4. Attached hereto as **Exhibit 28** is a true and correct copy of the FDA’s
14 Correspondence re Alphatec’s Section 510(k) Premarket Summary bearing bates
15 numbers ATEC-LLIF000966784 – ATEC_LLIF000966789.

16 5. Attached hereto as **Exhibit 29** is a true and correct copy of excerpts of
17 Alphatec’s Design Validation/Transfer Review Report for the Battalion LLIF
18 Implant System bearing bates numbers ATEC_LLIF000002258 –
19 ATEC_LLIF000002283.

20 6. Attached hereto as **Exhibit 30** is a true and correct copy of excerpts of
21 the Deposition Transcript of Mike Aleali, dated October 30, 2020.

22 7. Attached hereto as **Exhibit 31** is a true and correct copy of excerpts of
23 the Supplemental Expert Report of Blake English-Update, dated January 11, 2021.

24 8. Attached hereto as **Exhibit 32** is a true and correct copy of the
25 Updated Supplemental Rebuttal Expert Report of Keith R. Ugone, Ph.D. dated
26 February 4, 2021.

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1 9. Attached hereto as **Exhibit 33** is a true and correct copy of excerpts of
2 Alphatec’s Third Supplemental Responses to Interrogatory No.17, dated
3 November 6, 2020.

4 10. Attached hereto as **Exhibit 34** is a true and correct copy of excerpts of
5 the Deposition Transcript of Scott Robinson, dated November 4, 2020.

6 11. Attached hereto as **Exhibit 35** is a true and correct copy of excerpts of
7 the Deposition Transcript of Frank Chang, dated January 15, 2020.

8 12. Attached hereto as **Exhibit 36** is a true and correct copy of excerpts of
9 the Deposition Transcript of Keith Ugone, dated January 12, 2021.

10 I declare under penalty of perjury of the laws of the United States of
11 America that the foregoing is true and correct. Executed this 26th day of February
12 2021, in Redlands, California.

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Christiana Garrett

TABLE OF EXHIBITS

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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 26th day of February 2021 at San Diego, California.

By: /s/ Arlene Apodaca
ARLENE APODACA