

EXHIBIT 36

**TO 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)**

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION

| | | |
|--------------------------|---|---------------------|
| NUVASIVE, INC., a |) | |
| Delaware corporation, |) | |
| Plaintiff, |) | |
| |) | |
| VS. |) | CASE NO. |
| |) | 18-cv-00347-CAB-MDD |
| ALPHATEC HOLDINGS, INC., |) | |
| a Delaware corporation, |) | |
| and ALPHATEC SPINE, |) | |
| INC., a California |) | |
| corporation, |) | |
| Defendants. |) | |

ATTORNEYS' EYES ONLY
ORAL, VIDEOTAPED AND VIDEOCONFERENCED DEPOSITION OF
KEITH R. UGONE, Ph.D.
January 12, 2021
VOLUME 1

ORAL, AND VIDEOTAPED AND VIDEOCONFERENCED
DEPOSITION OF KEITH R. UGONE, Ph.D., produced as a
witness at the instance of the Plaintiff, taken in the
above-styled and -numbered cause on the January 12,
2021, from 9:04 a.m. to 6:18 p.m., before Jamie K.
Israelow, a Certified Shorthand Reporter in and for the
State of Texas, Registered Merit Reporter and Certified
Realtime Reporter, reported in machine shorthand, with
the witness appearing remotely in the City of Dallas,
County of Dallas and State of Texas, Regarding the
COVID-19 State of Disaster, and the provisions stated on
the record or attached hereto; that the deposition shall
be read and signed before any notary public.

1 REMOTE APPEARANCES

2
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17 ALSO PRESENT:

18 Rick Bell, Remote Videographer
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EXHIBITS

(Provided electronically to the reporter)

NO. DESCRIPTION PAGE

Exhibit 1 Supplemental Rebuttal Expert Report of Keith R. Ugone, PH.D., December 18, 2020 10

Exhibit 2 Exhibits to the Supplemental Rebuttal Expert Report of Keith R. Ugone, PH.D., December 18, 2020 29

Exhibit 3 Spreadsheet Bates Numbered ATEC_LLIF000971397 70

1 P R O C E E D I N G S

2 (On the record at 9:04 a.m.)

3 (Reporter's Note: Due to the quality of a
4 Zoom videoconference and transmission of
5 data, audio distortion and audio freezes
6 make it more challenging to prepare a
7 transcript as opposed to one prepared
8 during in-person proceedings.)

9 THE VIDEOGRAPHER: We're on the record at
10 9:07 a.m., Central Time. Today's date is January 12th,
11 2021. This is the oral and video-recorded deposition of
12 Keith Ugone, Ph.D., in the matter of NuVasive, Inc.
13 versus Alphatec Holdings and Alphatec Spine,
14 Incorporated, in the United States District Court,
15 Southern District of California, San Diego Division.
16 Case Number 18-CV-00347-CAB-MDD.

17 This deposition is being held by Zoom
18 videoconference. Participants should be aware that this
19 proceeding is being recorded, and as such, all
20 conversations held will be recorded unless there is a
21 request and agreement to go off the record. Private
22 conversations and/or attorney-client interaction should
23 be held outside the presence of the remote interface.

24 Will counsel please state their appearance
25 for the record.

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