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14 *Attorneys for Plaintiff NuVasive, Inc.*

15 UNITED STATES DISTRICT COURT
 16 SOUTHERN DISTRICT OF CALIFORNIA
 17 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.) Case No. 18-cv-00347-CAB-MDD)) DECLARATION OF TRENT D.) TANNER IN SUPPORT OF) NUVASIVE, INC.’S COMBINED) MOTIONS IN LIMINE)) PER CHAMBERS RULES, NO) ORAL ARGUMENT UNLESS) SEPARATELY ORDERED BY THE) COURT)) Judge: Hon. Cathy Ann Bencivengo) Courtroom: 15A)) Trial: December 8, 2021)
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1 I, Trent D. Tanner, declare the following:

2 1. I am a partner with Hilgers Graben PLLC, and counsel for Plaintiff,
3 NuVasive, Inc. (“NuVasive”). I submit this Declaration in support NuVasive’s
4 Combined Motions in Limine. I have personal knowledge of the facts set forth
5 herein based on information made available to me, and if called as a witness, I
6 would competently testify to those facts.

7 2. Attached hereto as **Exhibit 1** is a true and correct copy of excerpts of
8 the Corrected Opening Expert Report of Charles L. Branch, JR., M.D., dated
9 November 1, 2019.

10 3. Attached hereto as **Exhibit 2** is a true and correct copy of excerpts of
11 Defendants’ Supplemental Responses to Plaintiff NuVasive, Inc.’s Interrogatories
12 Nos. 7 and 11, dated November 6, 2020.

13 4. Attached hereto as **Exhibit 3** is a true and correct copy of Alphatec’s
14 First Amended Trial Exhibit List, dated October 22, 2021.

15 5. Attached hereto as **Exhibit 4** is a true and correct copy of the Court’s
16 Minute Entry in *Trading Techs. Int’l, Inc. v. BCG Partners, Inc.*, No. 1:10-cv-
17 00715 (N.D. Ill. July 29, 2021) (Dkt. 1992).

18 6. Attached hereto as **Exhibit 5** is a true and correct copy of excerpts of
19 the Deposition Transcript of Scott Robinson’s 30(b)(6), dated November 4, 2020.

20 7. Attached hereto as **Exhibit 6** is a true and correct copy of excerpts of
21 the Deposition Transcript of Scott Robinson’s 30(b)(6), dated October 29, 2019.

22 8. Attached hereto as **Exhibit 7** is a true and correct copy of excerpts of
23 the Rebuttal Report of Barton L. Sachs, M.D., M.B.A., F.A.C.P.E., F.A.C.H.E.
24 (Damages), dated December 4, 2019.

25 9. Attached hereto as **Exhibit 8** is a true and correct copy of excerpts of
26 the Supplemental Rebuttal Expert Report of Keith R. Ugone, Ph.D., dated
27 December 18, 2020.

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1 10. Attached hereto as **Exhibit 9** is a true and correct copy of excerpts of
2 the Rebuttal Expert Report of Keith R. Ugone, Ph.D., dated December 4, 2019.

3 11. Attached hereto as **Exhibit 10** is a true and correct copy of the Court's
4 Minute Entries in *Trading Techs. Int'l, Inc. v. BCG Partners, Inc.*, No. 1:10-cv-
5 00715 (N.D. Ill. Aug. 26, 2021) (Dkts. 2101, 2102).

6 12. Attached hereto as **Exhibit 11** is a true and correct copy of excerpts of
7 the Deposition Transcript of Ryan Donahoe, dated November 6, 2020.

8 13. Attached hereto as **Exhibit 12** is a true and correct copy of excerpts of
9 the Deposition Transcript of Gregory Lucier, dated January 17, 2020.

10 14. Attached hereto as **Exhibit 13** is a true and correct copy of excerpts of
11 the Deposition Transcript of Matthew Link, dated December 3, 2019.

12 15. Attached hereto as **Exhibit 14** is a true and correct copy of excerpts of
13 the Deposition Transcript of Matthew Link's 30(b)(6), dated October 29, 2020.

14 16. Attached hereto as **Exhibit 15** is a true and correct copy of excerpts of
15 the Deposition Transcript of John English, dated November 5, 2020.

16 17. Attached hereto as **Exhibit 16** is a true and correct copy of excerpts of
17 the Deposition Transcript of Jim A. Youssef, M.D. and Exhibits 2 and 3, dated
18 April 27, 2018.

19 18. Attached hereto as **Exhibit 17** is a true and correct copy of an order in
20 *Mauss v. NuVasive, Inc.*, 13cv2005-JM-JLB (S.D. Cal. Dec. 5, 2018) (Dkt. 269).

21 19. Attached hereto as **Exhibit 18** is a true and correct copy of excerpts of
22 the Rebuttal Report of Barton L. Sachs, M.D., M.B.A., F.A.C.P.E., F.A.C.H.E.
23 (Damages), dated November 22, 2019.

24 20. Attached hereto as **Exhibit 19** is a true and correct copy of Alphatec's
25 Management Presentation to NuVasive bearing bates numbers ATEC-
26 LLIF000854436 - ATEC_LLIF000854524.

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