

EXHIBIT 1
TO TRENT TANNER DECLARATION ISO
NUVASIVE'S COMBINED MOTIONS IN LIMINE

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13
 14 **UNITED STATES DISTRICT COURT**
 15 **SOUTHERN DISTRICT OF CALIFORNIA**
 16 **SAN DIEGO DIVISION**

18 NUVASIVE, INC., a Delaware
 corporation,

19 Plaintiff,

20 v.

21 ALPHATEC HOLDINGS, INC., a
 22 Delaware corporation and
 ALPHATEC SPINE, INC., a
 23 California corporation,

24 Defendants.

Case No. 3:18-CV-00347-CAB-MDD

*[Assigned to Courtroom 4C – Honorable
 Cathy Ann Bencivengo]*

**OPENING EXPERT REPORT OF
 CHARLES L. BRANCH, JR., M.D.**

Complaint Filed: February 13, 2018
 Jury Trial Demanded

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 11 Kossmann, or Obenchain, and further in view of Kelleher or Blewett62
 12 2. Claim 2: The system of claim 1, wherein the blade-holder assembly is
 13 adjustable to move the cephalad-most and caudal-most retractor blades
 14 away from the posterior-most retractor blade while the posterior-most
 15 retractor blade remains in a generally stationary position relative to the
 16 targeted spinal disc.72
 17 3. Claim 3: The system of claim 1, wherein the elongate inner member is
 18 advanced along the lateral, trans-psoas path to the targeted spinal disc
 19 such that a distal tip portion of the elongate inner member penetrates
 20 into an annulus of the targeted spinal disc74
 21 4. Claim 4: The system of claim 1, wherein the elongate inner member
 22 comprises a K-wire.75
 23 5. Claim 6: The system of claim 1, wherein when the three-bladed
 24 retractor tool defines the operative corridor, the posterior-most,
 25 cephalad-most, and caudal-most retractor blades are spaced apart and
 26 maintained generally parallel to one another75
 27 6. Claim 7: The system of claim 1, wherein when the three-bladed
 28 retractor tool is in the first position, each of the posterior-most,
 cephalad-most, and caudal-most retractor blades at least partially abuts
 with edges of the other two of the posterior-most, cephalad-most, and
 caudal-most retractor blades.77
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 holder assembly moves the posterior-most, cephalad-most, and caudal-
 most retractor blades to the second position.80
 9. Claim 10: The system of claim 1, further comprising a fixation
 element to releasably engage with one of said retractor blades so that
 at least a portion of the fixation element extends distally into the
 lumbar spine, wherein the fixation element is configured to releasably
 engage with the posterior-most retractor blade after the posterior-most
 retractor blade is advanced along the lateral, trans-psoas path to the
 lumbar spine81
 10. Claim 1284

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3	12. Claim 13: The method of claim 12, further comprising adjusting said blade holder assembly so as to move said cephalad-most and caudal-most retractor blades away from said posterior-most retractor blade to create said operative corridor along said lateral, trans-psoas path to said targeted spinal disc, wherein said operative corridor is dimensioned so as to pass a spinal implant through said operative corridor along said lateral, trans-psoas path to said targeted spinal disc.	95
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