

**EXHIBIT 6**  
**TO TRENT TANNER DECLARATION ISO**  
**NUVASIVE'S COMBINED MOTIONS IN LIMINE**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
SAN DIEGO DIVISION

NUVASIVE, INC., a Delaware  
corporation,

Plaintiff,

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

ALPHATEC HOLDINGS, INC., a  
Delaware corporation and  
ALPHATEC SPINE, INC., a  
California corporation,

Defendants.

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HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

VIDEOTAPED DEPOSITION OF SCOTT ROBINSON

ALPHATEC HOLDINGS, INC. RULE 30(b)(6) WITNESS

SAN DIEGO, CALIFORNIA

OCTOBER 29, 2019

Reported By:  
PATRICIA Y. SCHULER  
CSR No. 11949

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1 UNITED STATES DISTRICT COURT  
 2 SOUTHERN DISTRICT OF CALIFORNIA  
 3 SAN DIEGO DIVISION  
 4  
 5 NUVASIVE, INC., a Delaware  
 corporation,  
 6  
 Plaintiff,  
 7  
 v. Case No. 3:18-CV-00347  
 8 -CAB-MDD  
 ALPHATEC HOLDINGS, INC., a  
 9 Delaware corporation and  
 ALPHATEC SPINE, INC., a  
 10 California corporation,  
 11 Defendants.  
 12  
 13 Videotaped deposition of SCOTT ROBINSON, taken  
 14 on behalf of the Defendants at 12235 El Camino Real,  
 15 Suite 100, San Diego, California, at 9:18 a.m. and  
 16 ending at 6:27 p.m., on October 29, 2019, before  
 17 PATRICIA Y. SCHULER, Certified Shorthand Reporter  
 18 No. 11949.  
 19  
 20  
 21  
 22  
 23  
 24  
 25

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1 APPEARANCES:  
 2 FOR PLAINTIFF:  
 3 WILSON SONSINI GOODRICH & ROSATI, P.C.  
 4 BY: WENDY L. DEVINE, ESQ.  
 5 BY: CHRISTINA DASHE, ESQ.  
 6 BY: PAUL D. TRIPOD, II, ESQ.  
 7 One Market Plaza, Spear Tower  
 8 Suite 3300  
 9 San Francisco, California 94105  
 10 wdevine@wsgr.com  
 11 FOR DEFENDANTS:  
 12 WINSTON STRAWN LLP  
 13 BY: NIMALKA R. WICKRAMASEKERA, ESQ.  
 14 333 South Grand Avenue, Suite 3800  
 15 Los Angeles, California 90071-1543  
 16 nwickramasekera@winston.com  
 17  
 18 Also Present:  
 19 Tyson Marshall  
 20 Videographer:  
 21 Craig Ellingson  
 22 Collette Stark  
 23  
 24  
 25

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I-N-D-E-X

2 WITNESS: EXAMINATION  
 3 SCOTT ROBINSON PAGE  
 4 MS. DEVINE 7  
 5  
 6  
 7 E-X-H-I-B-I-T-S  
 8 PLAINTIFF'S PAGE  
 9 Exhibit 1 Defendants' Responses and 15  
 Objections to Nuvasive Inc.'s  
 10 Notice of Deposition of Alphatec  
 Pursuant to Rule 30(b)(6)  
 11  
 Exhibit 2 Nuvasive, Inc.'s Notice of 22  
 Deposition of Alphatec Holdings,  
 12 Inc. and Alphatec Spine, Inc.  
 Pursuant to Rule 30(b)(6)  
 13  
 Exhibit 3 Nuvasive's Notice of Deposition 25  
 of Scott Robinson  
 14  
 15  
 Exhibit 4 LinkedIn profile for Scott 50  
 Robinson  
 16  
 Exhibit 5 Course Program and Travel 83  
 Itinerary, Bates stamped  
 17 ATEC\_LLIF000626779  
 18  
 Exhibit 6 Conduct Internal Training 6.4.9, 91  
 Bates stamped ATEC\_LLIF000002354  
 19 through 2397  
 20  
 Exhibit 7 Surgical Technique Guide, Bates 98  
 stamped ABOU003617 through 3640  
 21  
 22  
 Exhibit 8 Document Bates stamped NUVA\_ATEC 182  
 001447 to 0014475  
 23  
 Exhibit 9 Document Bates stamped ATEC\_LLIF 207  
 00004548 to 4561  
 24  
 25

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E-X-H-I-B-I-T-S (CONTINUED)

2 PLAINTIFF'S PAGE  
 3 Exhibit 10 Document Bates stamped 212  
 ATEC\_LLIF000003809 through 3818  
 4  
 Exhibit 11 Document Bates stamped ATEC LLIF 221  
 5 0003829 to 3835  
 6 Exhibit 12 Document Bates stamped ATEC\_LLIF 228  
 000137018 to 137039  
 7  
 Exhibit 13 Document Bates stamped ATEC\_LLIF 258  
 8 000745897 to 745926  
 9  
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1 SAN DIEGO, CALIFORNIA; TUESDAY, OCTOBER 29, 2019  
2 9:18 a.m.  
3 THE VIDEOGRAPHER: We are on the record  
4 at 9:18 a.m. on October 29, 2019. Audio and video  
5 recording will continue to take place until all  
6 parties agree to go off the record. Please note  
7 that microphones are sensitive and may pick up  
8 whispering and private conversations.  
9 This is the video-recorded deposition of  
10 Scott Robinson taken by counsel for the plaintiff  
11 in the matter of Nuvasive, Inc., a Delaware  
12 corporation versus Alphatec Holdings, et al., filed  
13 in the United States District Court, Southern  
14 District of California, San Diego division.  
15 This deposition is being held at Wilson,  
16 Sonsini, Goodrich & Rosati, located at 12235 El  
17 Camino Real, San Diego, California 92130. My name  
18 is Craig Ellingson. I'm the videographer on behalf  
19 of U.S. Legal Support, located at 1230 Columbia  
20 Street, Suite 400, San Diego, California 92101.  
21 The court reporter is Patricia Schuler,  
22 on behalf of U.S. Legal Support. I am not related  
23 to any party in this action nor am I financially  
24 interested in the outcome.  
25 Counsel will state their appearances for

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1 the record, after which the court reporter will  
2 swear in the witness.  
3 MS. DEVINE: Wendy Devine from Wilson,  
4 Sonsini, Goodrich & Rosati on behalf of Nuvasive,  
5 Inc. With me are my co-counsel Christina Dashe and  
6 Paul Tripod of the same firm.  
7 MS. WICKRAMASEKERA: Nimalka  
8 Wickramasekera from Winston Strawn on behalf of the  
9 witness, the defendants. And with me is Tyson  
10 Marshall, vice president and associate general  
11 counsel of Alphatec.  
12  
13 SCOTT ROBINSON,  
14 having been administered an oath, was examined and  
15 testified as follows:  
16  
17 EXAMINATION  
18 BY MS. DEVINE:  
19 Q. Good morning, Mr. Robinson.  
20 A. Hello.  
21 Q. Would you please state and spell your  
22 name for the record.  
23 A. Scott Robinson. S-c-o-t-t,  
24 R-o-b-i-n-s-o-n.  
25

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1 A. 712 Apple Ridge, Encinitas, California  
2 92024.  
3 Q. Who is your current employer?  
4 A. Alphatec Spine.  
5 Q. How long have you been employed there?  
6 A. Since March of 2010; going on 10 years.  
7 Q. Mr. Robinson, have you ever had your  
8 deposition taken before?  
9 A. No. This is the first.  
10 Q. Okay. So I am just going to go over a  
11 few ground rules so we're on the same page.  
12 Do you understand when I ask you a  
13 question, you need to give me a verbal answer?  
14 A. Yes.  
15 Q. If you don't understand my question,  
16 would you please let me know?  
17 A. Yes.  
18 Q. And if you do answer my question, do you  
19 understand that I am going to take that as meaning  
20 that you understood the question that I was asking?  
21 A. Yes.  
22 Q. Do you understand that you are providing  
23 testimony under oath today?  
24 A. I understand I am presenting testimony on  
25 nonprivileged information in the topics outlined.

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1 Q. Do you understand that you are under oath  
2 today as you testify, as you would be if you were  
3 testifying in a court of law?  
4 A. Yes.  
5 Q. And do you understand that I am entitled  
6 to complete and truthful answers to the best of  
7 your recollection?  
8 A. Yes.  
9 Q. Is there any reason, Mr. Robinson, that  
10 you cannot give your most truthful, accurate and  
11 complete testimony today?  
12 A. No.  
13 Q. Could you please tell me, Mr. Robinson,  
14 how you prepared for your deposition?  
15 A. There were a lot of documents. The  
16 complaint was reviewed. There were internal and  
17 external marketing documents that were produced by  
18 Alphatec. There was a design history file. There  
19 were, you know, as many documents related to this  
20 case as were made available.  
21 Q. Did you choose any of the documents that  
22 you reviewed to prepare for your deposition?  
23 A. I am not sure I understand the question.  
24 Q. Sure. So when you reviewed documents to  
25 prepare for your deposition, did you go out and

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1 MS. DEVINE: We'll come back to get the  
2 answer to that question.  
3 MS. WICKRAMASEKERA: Right. So just to  
4 be clear, we are not waiving privilege.  
5 MS. DEVINE: That is fine. But we'll  
6 come back at Alphatec's expense to get the answer  
7 to that question because the record is clear --  
8 MS. WICKRAMASEKERA: You will have to  
9 move on it.  
10 MS. DEVINE: Let me finish.  
11 The record is clear that he testified in  
12 2013 that there was a request for an evaluation of  
13 the IP landscape to Alphatec legal. And now you're  
14 instructing him not to tell me if it was done at  
15 any other date based on privilege.  
16 It is not -- not privileged at one point  
17 and unprivileged in another.  
18 MS. WICKRAMASEKERA: It's -- he did not  
19 provide you any privileged information. He  
20 provided you a general description of what is  
21 contained in the design history file that existed  
22 in 2013, which you have, by the way.  
23 MS. DEVINE: Well, the record says what  
24 he testified to. So we'll hold it open, and we'll  
25 come back and get an answer to that. And you can

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1 pay for it.  
2 BY MS. DEVINE:  
3 Q. Going back to Topic 2. Again, the topic  
4 reads "When and under what circumstances Alphatec  
5 first became aware of each of the patents-in-suit  
6 and what actions Alphatec took on becoming aware of  
7 the patents-in-suit."  
8 Do you have any other information to  
9 provide to me regarding Topic 2?  
10 A. Not that I can recall at this time.  
11 Q. Let's move to Topic 3. "For each of the  
12 patents-in-suit, whether Alphatec formed a  
13 good-faith belief the patent was either invalid or  
14 not infringed, as well as the basis for any such  
15 good-faith belief and whether the belief is based  
16 on the opinion of counsel."  
17 What can you tell me about Topic 3?  
18 MS. WICKRAMASEKERA: I will caution you  
19 on privilege.  
20 THE WITNESS: I mean, at the time, I was  
21 a design engineer, and my role was to design  
22 products that met the clinical requirements of  
23 lateral surgery. And my effort was to understand  
24 the clinical requirements to the greatest of my  
25 abilities and develop instrumentation that met those

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1 needs, and, if possible, made that, you know,  
2 simpler and more streamlined and more intuitive for  
3 certain customers.  
4 BY MS. DEVINE:  
5 Q. But the topic is whether Alphatec formed  
6 a good-faith belief that the patents-in-suit were  
7 either invalid or not infringed.  
8 What can you tell me about that?  
9 MS. WICKRAMASEKERA: Objection. The  
10 witness has been designated subject to our  
11 responses.  
12 BY MS. DEVINE:  
13 Q. You can answer.  
14 A. I mean, I -- I, in my efforts, and I  
15 would say we as a company, you look to the  
16 marketplace to see, you know, how problems have  
17 been solved, and then you try to improve on those.  
18 You try to make -- you try to design the best  
19 products you can.  
20 You know, inspiration comes from all  
21 kinds of places. And, you know, we would sit in a  
22 room and we would talk about the best way to solve  
23 a problem. That is the way that our products came  
24 to be.  
25 And we did not -- you know, we were not

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1 experts in the IP landscape, but we believed that  
2 what we had designed was significantly different  
3 from products that had come before it.  
4 Q. When you say "We were not experts in the  
5 IP landscape," you mean the engineers?  
6 A. Correct.  
7 Q. But you had lawyers, correct?  
8 A. Not on the core team.  
9 Q. Did you consult with lawyers?  
10 MS. WICKRAMASEKERA: You can answer yes  
11 or no.  
12 THE WITNESS: The design team --  
13 MS. WICKRAMASEKERA: Yes or no, Scott.  
14 THE WITNESS: Not -- I did not directly.  
15 BY MS. DEVINE:  
16 Q. Did your team consult with lawyers?  
17 MS. WICKRAMASEKERA: You can answer yes  
18 or no.  
19 THE WITNESS: Yes.  
20 BY MS. DEVINE:  
21 Q. And those lawyers were experts in IP,  
22 right?  
23 MS. WICKRAMASEKERA: Objection. Vague;  
24 calls for speculation.  
25 THE WITNESS: I would not know if those

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