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14 Attorneys for Defendants  
 ALPHATEC HOLDINGS, INC. AND  
 15 ALPHATEC SPINE, INC.

16 **UNITED STATES DISTRICT COURT**  
 17 **SOUTHERN DISTRICT OF CALIFORNIA – SAN DIEGO DIVISION**  
 18

19 NUVASIVE, INC., a Delaware  
 corporation,

20 Plaintiff,

21 v.

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

25 Defendants.  
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**Case No. 3:18-CV-00347-CAB-MDD**

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

**DEFENDANTS’ NOTICE OF  
 WITHDRAWAL OF EXHIBIT AND  
 SUBSTITUTION OF EXHIBIT**

Complaint Filed: Feb. 13, 2018  
 Amended Complaint Filed: Sept. 13, 2018

Jury Trial Demanded

1 Pursuant to the Court's instruction at the November 12, 2021 pretrial conference,  
2 Defendants Alphatec Holdings, Inc. and Alphatec Spine, Inc. hereby file notice to  
3 withdraw Exhibit 14 to the October 29, 2021 Declaration of Brian J. Nisbet in Support  
4 of Defendants' Motions *In Limine* [Doc. No. 341-16] and substitute it with the  
5 document attached hereto as Exhibit 14.

6  
7 Dated: November 19, 2021

WINSTON & STRAWN LLP

8 By: /s/Nimalka R. Wickramasekera  
9 NIMALKA R. WICKRAMASEKERA  
10 Attorney for Defendants  
11 ALPHATEC HOLDINGS, INC. AND  
12 ALPHATEC SPINE, INC.  
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### CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was filed with the Court's CM/ECF system which will provide notice to all counsel deemed to have consented to electronic service. All other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing document by mail on this day.

I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct.

Executed on November 19, 2021 at Los Angeles, California.

By: /s/ Nimalka Wickramasekera  
Nimalka Wickramasekera