

1 UNITED STATES PATENT AND TRADEMARK OFFICE
2 BEFORE THE PATENT TRIAL AND APPEAL BOARD

3 NUVASIVE, INC.

4 Petitioner

5 v.

6 WARSAW ORTHOPEDIC, INC.

7 Patent Owner

8 Patent Number: 8,251,997 B2

9 Issue Date: August 28, 2012

10 Title: METHOD FOR INSERTING AN ARTIFICIAL

11 IMPLANT BETWEEN TWO ADJACENT VERTEBRAE

12 ALONG A CORONAL PLANE

13 Case IPR2013-00206

14 and

15 Case IPR2013-00208

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20 The deposition of PAUL MCAFEE, M.D., M.B.A.
21 was held on Friday, December 6, 2013, commencing at
22 3:50 p.m., at 20 South Charles Street, Suite 901,
23 Baltimore, Maryland 21201, before Ronald E. Bennett,
24 Notary Public.

25 Job No: 68459

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APPEARANCES :

ON BEHALF OF NUVASIVE, INC.:

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- AND -

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APPEARANCES (Continued on the Next Page)

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PAUL MCAFEE, M.D., M.B.A.

APPEARANCES CONTINUED:

ON BEHALF OF WARSAW ORTHOPEDIC, INC.:

LUKE DAUCHOT, ESQUIRE

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ALSO PRESENT: James Garrett, Esquire, VP NuVasive
Jonathan Spangler, Esquire, VP NuVasive

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Deposition of PAUL McAFEE, M.D., M.B.A.

December 6, 2013

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Exhibit No.		Marked
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Exhibit 2028	Trial Testimony	46
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PROCEEDINGS

Whereupon,

PAUL MCAFEE, M.D., M.B.A.,
called as a witness, having been first duly sworn to
tell the truth, the whole truth, and nothing but the
truth, was examined and testified as follows:

EXAMINATION BY MR. DAUCHOT

BY MR. DAUCHOT:

Q. Good afternoon, Dr. McAfee. My name is
Luke Dauchot and I represent Warsaw Orthopedic, Inc.,
the patent owner, in two proceedings before the United
States Patent and Trademark Office, which are captured
IPR 2013 00206 and IPR 2013 00208.

You submitted one Declaration for each
proceeding. Is that correct?

A. Yes.

Q. All right. The Declaration submitted in
the 206 proceeding is marked NuVasive 1001. And I'm
handing that to you, Dr. McAfee. And the Declaration
submitted in the 208 proceeding --

What you are saying we have NuVasive 1011,
the same numbers for the different -- you okay with
that?

Off the record.

(Discussion off the record.)

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