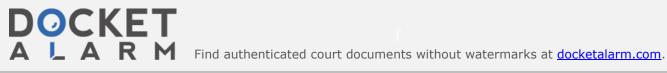
1	IN THE UNITED	STATES DISTRICT COURT	
2	FOR THE SOUTHERN	N DISTRICT OF CALIFORNIA	
3	HONORABLE MICHAEL	M. ANELLO, DISTRICT JUDGE	
4	MEDTRONIC SOFAMOR DANEK, USA ET AL.,		
5	PLAINTIFF,	•	
6	V.	. SEPTEMBER 7, 2011.	
7	NUVASIVE, INC.,	. WEDNESDAY, 1:30 P.M.	
8		. TRIAL - DAY SIX	
9			
10	11		
11	11	RIPT OF PROCEEDINGS	
12	APPEARANCES:		
13		E L. DAUCHOT, ESQ.	
14	↓	ALKA WICKRAMASEKERA, ESQ. RRE LOTFOLLAHI, ESQ. XANDER F. MACKINNON, ESQ.	
15	5∥ MIC	HAEL DOBSZEWICZ, ESQ. KLAND & ELLIS, LLP	
16	5	F SCHWARTZ, ESO.	
17		EY & LEBOEUF	
18		NK CONEDVENDACH ECO	
19	Э <b>∥</b>	NK SCHERKENBACH, ESQ. N M. FARRELL, ESQ. D G. MILLER, ESQ.	
20	JON	D G. MILLER, ESQ. TATHAN J. LAMBERSON, ESQ. L WARREN, ESQ.	
21		LEY I. VEGA, ESQ.	
22		TET V ETCUENTAID CCD	
23	usd	C CLERK'S OFFICE	
24	A SAN	FRONT STREET, ROOM 4290 DIEGO, CALIFORNIA 92101	
25		IET_EICHENLAUB@CASD.USCOURTS.GOV	



REPORTED BY STENOTYPE, TRANSCRIBED BY COMPUTER

1	SORRY I HAVEN'T MET YOU BEFORE. I JUST WANT TO THANK YOU FOR
2	HELPING BRING LATERAL ACCESS SURGERY TO THE SPINAL SURGERY
3	INDUSTRY, THAT THE THINGS YOU'VE BEEN ABLE TO DO HAVE BEEN
4	REALLY QUITE DRAMATIC AND HELPFUL TO ALL OF US." THEN HE
5	COMPLIMENTED ME ON WHAT SOLAS HAS DONE, THE SOCIETY OF LATERAL
6	ACCESS SURGERY. I DON'T KNOW IF YOU ALL HAVE HEARD ANYTHING
7	ABOUT THAT, AND HIS COMMENT TO ME WAS WE WANTED TO DO SOMETHING
8	SIMILAR WITH MEDTRONICS, AND HE WANTED TO HAVE MY INPUT WITH
9	THAT.
LO	Q. THANK YOU. NO FURTHER QUESTIONS.
L1	THE COURT: ANY RECROSS?
L2	MR. DAUCHOT: NO, YOUR HONOR.
L3	THE COURT: ALL RIGHT. THANK YOU, SIR. YOU MAY STEE
L4	DOWN.
L5	NEXT WITNESS FOR NUVASIVE.
L6	MR. MILLER: YOUR HONOR, NUVASIVE CALLS DR. JOHN
L7	BRANTIGAN:
L8	THE COURT: ALL RIGHT.
L9	COME ON UP FRONT HERE, SIR. WHEN YOU GET UP HERE,
20	RAISE YOUR RIGHT HAND, AND WE'LL SWEAR YOU IN.
21	THE CLERK: DO YOU SOLEMNLY SWEAR THE TESTIMONY YOU
22	SHALL GIVE IN THE CAUSE NOW BEFORE THIS COURT SHALL BE THE
23	TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH, SO HELP YOU
24	GOD?
25	THE WITNESS: I DO.



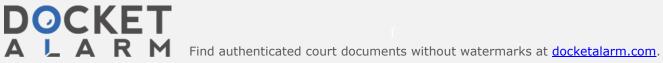
1	THE CLERK: PLEASE TAKE THE WITNESS STAND. STATE	
2	YOUR FULL NAME FOR THE RECORD AND SPELL IT PLEASE.	
3	THE WITNESS: JOHN W. BRANTIGAN, B-R-A-N-T-I-G-A-N.	
4	DIRECT EXAMINATION	
5	BY MR. MILLER:	
6	Q. GOOD AFTERNOON, DR. BRANTIGAN.	
7	A. GOOD AFTERNOON.	
8	Q. WHAT IS YOUR OCCUPATION?	
9	A. I WAS A ORTHOPEDIC SPINAL SURGEON. I'M NOW	
10	RETIRED.	
11	Q. ARE YOU HERE TODAY TO TALK ABOUT THE BRANTIGAN	
12	IMPLANTS AND HOW YOU CAME TO DEVELOP AND INVENT THOSE	
13	IMPLANTS?	
14	A. YES, I AM.	
15	Q. COULD YOU PLEASE BRING UP DX5118?	
16	WHAT DO WE SEE HERE, DOCTOR?	
17	A. THAT'S A PHOTOGRAPH OF THREE OF THE IMPLANTS OF MY	
18	OVAL CAGE DESIGN. THOSE ARE THE COMMON, SMALL, MEDIUM AND	
19	LARGE SIZES.	
20	Q. YOU TOLD US YOU'RE A RETIRED ORTHOPEDIC SURGEON.	
21	WHEN DID YOU STOP PERFORMING SURGERY?	
22	A. 2004.	
23	Q. HOW MANY YEARS DID YOU CARE FOR SURGICAL PATIENTS?	
24	A. WELL, STARTING WITH MY INTERNSHIP IN 1970, STOPPING	
25	IN 2004. THAT'S 34 YEARS.	



1	Q. OVER THE COURSE OF YOUR CAREER, HOW MANY SPINE
2	SURGERIES DID YOU DO?
3	A. WELL OVER 3,000.
4	Q. WHY DID YOU STOP PERFORMING SURGERY?
5	A. MY CAREER WAS A LITTLE DIFFERENT FROM SOME SURGEONS
6	IN THAT I WAS DEVELOPING THESE IMPLANTS FOR SPINE SURGERY. IN
7	2004, I WAS DOING A CLINICAL PRACTICE, BUT I WAS DOING A LOT OF
8	TEACHING, AND I FELT THAT IT WAS MORE IMPORTANT TO WORK AND
9	DESCRIBE THE TECHNIQUE AND THE OUTCOMES WITH THIS VARIETY OF
10	IMPLANTS FOR SPINAL SURGERY. SO I SPENT MY TIME DOING
11	WRITING.
12	Q. AND DID YOU END UP WRITING A BOOK?
13	A. YES, I DID.
14	Q. IS DX5153 INTERVERTEBRAL FUSION USING CARBON FIBER
15	REINFORCED POLYMER IMPLANTS YOUR BOOK?
16	A. YES, IT IS.
17	Q. WHEN WAS YOUR BOOK PUBLISHED?
18	A. 2006.
19	Q. DID OTHER SURGEONS CONTRIBUTE TO THE WRITING OF THIS
20	BOOK?
21	A. YES, THEY DID.
22	Q. WHO WERE THEY?
23	A. I RECRUITED AS MY CO-EDITOR DR. CARL LAURYSSEN. I
24	COME FROM AN ORTHOPEDIC SPINE BACKGROUND. CARL COMES FROM A
25	METIRO STRCTCAL SOINE RACKCROTIND SO HIS DERSOFCTIVE WAS VERY



1	IMPORTANT. I ALSO HAD 50 CO-AUTHORS, MOST OF THEM FROM ALL
2	AROUND THE WORLD, WHO HAD EXTENSIVE EXPERIENCE, AND THEY WROTE
3	CHAPTERS SHARING THEIR EXPERIENCE WITH THESE IMPLANTS.
4	Q. ARE YOUR IMPLANTS ARE THE IMPLANTS THAT YOU
5	DEVELOPED AND INVENTED, THE ONES THAT WE SAW PREVIOUSLY, THE
6	OVAL CAGES, ARE THEY STILL SOLD TODAY?
7	A. YES, THEY ARE.
8	Q. WHO SELLS THEM?
9	A. DEPUY SPINE.
10	Q. IS THAT PART OF JOHNSON AND JOHNSON?
11	A. YES.
12	Q. HOW MANY PATIENTS HAVE HAD SURGERIES USING YOUR OVAL
13	IMPLANT?
14	A. WELL OVER 100,000.
15	Q. I'D LIKE TO TALK ABOUT YOUR SURGICAL EDUCATION AND
16	EXPERIENCE AS A SURGEON IN THE 1970S AND EARLY '80S THAT LED
17	YOU TO DEVELOP THOSE OVAL IMPLANTS. LET'S START WITH WHERE DID
18	YOU GRADUATE FROM MEDICAL SCHOOL?
19	A. I GRADUATED FROM JOHNS HOPKINS UNIVERSITY IN 1970.
20	Q. AFTER GETTING YOUR M.D. DEGREE, WHERE DID YOU GET
21	YOUR FIRST SURGICAL TRAINING?
22	A. I DID A SURGICAL INTERNSHIP AT THE UNIVERSITY OF
23	MINNESOTA AND MINNEAPOLIS.
24	Q. WHY THE UNIVERSITY OF MINNESOTA?



A. THEY HAD A WORLD-FAMOUS SURGERY TRAINING PROGRAM THAT

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