

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NUVASIVE, INC.

Petitioner

v.

WARSAW ORTHOPEDIC, INC.

Patent Owner

Case IPR2013-00206

Patent No. 8,251,997

WARSAW'S REQUEST FOR ORAL ARGUMENT

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Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Warsaw Orthopedic, Inc. (“Warsaw” or “Patent Owner”) hereby requests oral argument pursuant to 37 C.F.R. § 42.70. Oral argument is currently scheduled for June 5, 2014. (*See* Scheduling Order, Paper 18.) Warsaw requests oral argument on the following issues:

- I.** Whether Petitioner has met its burden of proof that claims 9–30 are unpatentable over the combinations of prior art in the instituted grounds of unpatentability, including, but not limited to:
 - A.** Whether Petitioner has met its burden of proof that the prior art discloses all the limitations of claims 9–30;
 - B.** Whether Petitioner has met its burden of proof that a person of ordinary skill in the art would have combined the various prior art references in the instituted grounds of unpatentability for claims 9–30;
- II.** Warsaw’s Motion to Exclude Evidence pursuant to 37 C.F.R. § 42.64(c);
- III.** Petitioner’s Motion to Exclude Evidence pursuant to 37 C.F.R. § 42.64(c); and
- IV.** Additional issues raised by the Board or Petitioner in oral argument.

Dated: April 25, 2014

Respectfully Submitted,

/Thomas H. Martin/

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