

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NUVASIVE, INC.
Petitioner

v.

WARSAW ORTHOPEDIC, INC.
Patent Owner

Patent Number: 8,251,997 B2
Issue Date: August 28, 2012

Case IPR2013-00206

**PATENT OWNER'S NOTICE OF DEPOSITION OF
DR. PAUL MCAFEE**

Mail Stop "PATENT BOARD"
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant to 37 C.F.R. § 42.53, Patent Owner Warsaw Orthopedic, Inc., by and through its attorneys, hereby provides notice that it will conduct cross-examination by deposition of Dr. Paul McAfee, as agreed upon by the parties, at 9:00 a.m. EST on December 7, 2013. The deposition will occur at the following location:

Gore Brothers Reporting & Video
20 South Charles Street - Suite 901
Baltimore, MD 21201

Counsel for Petitioner, NuVasive, Inc., has represented that Dr. McAfee will appear at the date, time, and location indicated above.

Pursuant to 37 C.F.R. § 42.53, Patent Owner Warsaw Orthopedic, Inc., by and through its attorneys, hereby provides notice that it will conduct cross-examination by deposition of Dr. Paul McAfee, either commencing at 1:00 p.m. EST on December 6, 2013 or commencing at 9:00 a.m. EST on December 8, 2013 at the same location identified above upon further scheduling negotiations by the parties. Patent Owner Warsaw Orthopedic, Inc., by and through its attorneys, represents that the date and time of December 8, 2013 is preferred although the date and time of December 6, 2013 is offered as an alternative.

Counsel for Petitioner, NuVasive, Inc., has not represented that Dr. McAfee will appear at the dates, times, and location indicated above for either December 6 and 8, 2013. Counsel for Petitioner, NuVasive, Inc., has advised the undersigned of a willingness to further discuss alternatives for additional deposition time for Dr. Paul McAfee if time is needed beyond December 7, 2013.

The cross-examination will be taken before a Notary Public or other officer authorized by law to administer oaths. It will be recorded using videographic and stenographic means, as agreed to by the parties pursuant to 37 C.F.R. § 42.53.

Respectfully Submitted,

Dated: November 22, 2013



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of this PATENT OWNER'S NOTICE OF DEPOSITION OF DR. PAUL MCAFEE was served in its entirety via electronic mail to APSI@fr.com (referencing Attorney Docket No. 13958-0112IP2):

Stephen R. Schaefer
3200 RBC Plaza
60 South Sixth Street
Minneapolis, MN 55402

Michael T. Hawkins
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Date of Service: 22 NOV 13

Signature: Thomas H. Martin
Thomas H. Martin, Reg. No. 34,383