

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

December 6, 2013

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Exhibit No.		Marked
Exhibit 2028	Trial Testimony	46
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1 A. I don't remember, for example, being on a
2 Board of Directors or -- not within the last five
3 years, at least. I'll correct that. In the early
4 forms of NuVasive, they had a meeting called Spine
5 Evolution Nucleus, and I participated in those
6 meetings, which I would describe as a think tank. But
7 I don't regard that as being a formal position in the
8 company.

9 Q. When did that end?

10 A. In the early 2000s.

11 Q. I want to shift gears and touch on the
12 subject of fusions in general. You'll agree with me
13 that there are many types of spinal fusions?

14 A. Yes.

15 Q. And you will agree with me that a fusion is
16 a procedure designed to correct a pathology with the
17 vertebra or the intervertebral space?

18 A. It can be.

19 Q. What else can it be?

20 A. It could correct a problem within the
21 vertebrae itself.

22 Q. And you're thinking about a corpectomy or
23 partial corpectomy?

24 A. Yes, sir.

25 Q. Beyond what we have covered here, do you

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