

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NUVASIVE, INC.
Petitioner

v.

WARSAW ORTHOPEDIC, INC.
Patent Owner

Cases IPR2013-00206 (Patent 8,251,997 B2)
IPR2013-00208 (Patent 8,251,997 B2)¹

Before SALLY C. MEDLEY, LORA M. GREEN, and STEPHEN C. SIU,
Administrative Patent Judges.

MEDLEY, *Administrative Patent Judge.*

ORDER
Conduct of the Proceeding
37 C.F.R. § 42.5

¹ This order addresses issues that are generally the same in both cases. Therefore, we exercise discretion to issue one order to be filed in each of case. The parties, however, are not authorized to use this style heading in subsequent papers since doing so may cause confusion.

IPR2013-00206 and -00208
Patent 8,251,997 B2

The parties filed a joint motion to replace original Exhibit 2038, which is a declaration of Barton L. Sachs, with a substitute Exhibit 2038 (IPR2013-00206, Paper 47 and IPR2013-00208, Paper 44). The motion indicates that the sole change made to the declaration is to strike paragraph 100 from the original declaration. Upon consideration of the record, the motion is *granted*.

It is

ORDERED that the joint motion to replace original Exhibit 2038 with substitute Exhibit 2038 is *granted*; and

FURTHER ORDERED that Exhibit 2038 entered December 20, 2013 be expunged from the record in IPR2013-00206 and IPR2013-00208.

IPR2013-00206 and -00208
Patent 8,251,997 B2

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