

## Exhibit 2008

### Comparison of claim 4 of the '696 patent and claim 5 of '430 patent.

5.4. ~~An~~ A spinal fusion implant for insertion between a first vertebra and a second vertebra adjacent the first vertebra, the first vertebra having a generally vertically extending first peripheral wall and a first ~~cortical bone~~ endplate and the second vertebra having a generally vertically extending second peripheral wall and a second ~~cortical bone~~ endplate, wherein the implant comprises:

a first terminal part defining a trailing face, a first bearing surface adapted to bear against a portion of the ~~cortical bone~~ first endplate ~~proximate to the first peripheral wall~~, and an opposite second bearing surface adapted to bear against a portion of the second ~~cortical bone~~ endplate ~~proximate to,~~ said trailing face extending between said first bearing surface and second bearing surface, said trailing face having a recessed portion and a threaded opening configured to receive an insertion instrument for inserting said implant between the first vertebra and the second ~~peripheral wall;~~ vertebra;

a second terminal part opposite said first terminal part, said second terminal part ~~including an anti-expulsion feature and~~ having an insertion face extending ~~from~~ between a third bearing surface ~~to~~ and a fourth bearing surface, said implant having a longitudinal axis extending through said trailing face of said first terminal part and said insertion face of said second terminal part, and having a cross section in a first plane extending through

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said first bearing surface and said second bearing surface, and along the longitudinal axis, ~~the first plane bisecting said first bearing surface in two halves;~~ said implant having a length between said trailing face of said first terminal part and said insertion face of said second terminal part and parallel to the longitudinal axis, said implant having a width and a height each perpendicular to the length of said implant;

a first side and an opposite second side, said first side and said second side extending from said first terminal part to said second terminal part, portions of said first side and said second side being substantially flat, said substantially flat portions intersecting a second plane that is perpendicular to the first plane and extends through said insertion face and said trailing face, wherein said substantially flat portions of said first side and said second side are symmetrical about the first plane; ~~and~~

an opening between said trailing face and said insertion face and between said first and second sides to permit for the growth of bone through said implant from the first vertebra to the second vertebra;

upper and lower bearing surfaces each having a length measured parallel to the longitudinal axis of said implant, said upper and lower bearing surfaces having portions proximate each of said first and second sides, ~~wherein~~ and being convex along the entire length of said upper and lower bearing surfaces relative to the second plane and in a direction parallel to the longitudinal axis, the width of said implant being greater than the height measured between said upper and lower bearing surfaces proximate one of said first and second sides ~~are, at least in part, convex relative of~~ said implant;

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ratchetings on each of said upper and lower bearing surfaces adapted to engage the first vertebra and the second ~~plane~~-vertebra, respectively, each of said ratchetings having a ridge oriented in a direction generally parallel to the width of said implant, said ratchetings on each of said upper and lower bearing surfaces facing one direction; and  
said implant being adapted to hold bone fusion promoting materials.