

NUVASIVE, INC.

Petitioner

v.

WARSAW ORTHOPEDIC, INC.

Patent Owner

DECLARATION OF  
LORI FERRELL, CPA, CGMA

Patent Number: 8,444,696

Issue Date: May 21, 2013

ANATOMIC SPINAL IMPLANT  
HAVING ANATOMIC BEARING SURFACES

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Case IPR2013-00395

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

**EXHIBIT**  
WARSAW2010  
NuVasive, Inc. v.  
Warsaw Orthopedic, Inc.  
IPR2013-00395

**DOCKET**  
ALARM

1. My name is Lon Fench, CPA, CGMA.

2. I currently work in the Finance Department at Medtronic, Spinal and Biologics. I have worked for Medtronic in the Finance Department since 2007. Prior to 2007, I worked as SAP Manager for 14 years in the Bryce Corporation. I am a Certified Public Accountant and a Chartered Global Management Accountant as designated by the American Institute of Certified Public Accountants.

3. My present capacity is as Financial Consultant in the Finance Department. Pursuant to this role, I have access to current and historic sales data for selected Medtronic Spinal and Biologics products, including the Clydesdale® Spinal System Implants.

4. I was asked to provide total sales of Clydesdale® Spinal System Implants as identified in the attached brochure (Appendix A) since inception of the product.

5. Total sales of the Clydesdale® Spinal System Implants from inception to present are at least \$80 million.

6. Total sales of the Clydesdale® Spinal System Implants for Fiscal Year 2013 were at least \$15 million.

7. I declare that all statements made herein of my own knowledge are true

under Section 1001 of Title 18 of the United States Code.

DATED: April 10, 2014

By:

*Sai Fenell*

# APPENDIX A



**Medtronic**

# CLYDESDALE®

Spinal System

## Product Information

The CLYDESDALE® Spinal System is used for patients diagnosed with degenerative disc disease (DDD) at one or two contiguous levels from L2 to S1. These DDD patients may also have up to Grade I spondylolisthesis or retrolisthesis at the involved levels. DDD is defined as discogenic back pain with degeneration of the disc confirmed by history and radiographic studies. These patients should be skeletally mature and have had six months of non-operative treatment. These implants may be implanted via a minimally invasive lateral approach.

The CLYDESDALE® Spinal System is designed to be used with autogenous bone graft to facilitate interbody fusion and is intended for use with supplemental fixation systems cleared for use in the lumbar spine.



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