

Case IPR2013-00396
U.S. Patent No. 8,444,696

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NUVASIVE, INC.
Petitioner

v.

WARSAW ORTHOPEDIC, INC.
Patent Owner

Patent Number: 8,444,696
Issue Date: May 21, 2013
ANATOMIC SPINAL IMPLANT HAVING
ANATOMIC BEARING SURFACES

Case IPR2013-00396

WARSAW'S REQUEST FOR ORAL ARGUMENT

Warsaw Orthopedic, Inc. (“Warsaw” or “Patent Owner”) hereby requests oral argument pursuant to 37 C.F.R. § 42.70. Oral argument is currently scheduled for July 31, 2014. (*See* Scheduling Order, Paper 12.) Warsaw requests oral argument on the following issues:

- I.** Whether Petitioner has met its burden of proof that claims 7-12 are unpatentable over the combinations of prior art in the instituted grounds of unpatentability, including, but not limited to:
 - A.** Whether Petitioner has met its burden of proof that the prior art in the instituted grounds of unpatentability for claims 7-12 discloses all the limitations of those claims;
 - B.** Whether Petitioner has met its burden of proof that a person of ordinary skill in the art would have found it obvious to combine the various prior art references in the instituted grounds of unpatentability for claims 7-12; and
- II.** Additional issues raised by the Board or Petitioner in oral argument.

Dated: June 26, 2014

Respectfully Submitted,

/Thomas H. Martin/

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Our Ref: 101.0051-06IR2

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of WARSAW'S REQUEST FOR ORAL ARGUMENT and WARSAW'S MOTION FOR OBSERVATION REGARDING CROSS-EXAMINATION OF DR. BRANTIGAN were served in their entirety via electronic mail to APSI@fr.com (referencing Attorney Docket No. 13958-0113IP2; and cc'ing schaefer@fr.com and hawkins@fr.com):

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

Michael T. Hawkins
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Date of Service: June 26, 2014

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