

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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NUVASIVE, INC.  
Petitioner

v.

WARSAW ORTHOPEDIC, INC.  
Patent Owner

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Case IPR2013-00396  
Patent 8,444,696

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**PETITIONER'S REQUEST FOR ORAL ARGUMENT**

Pursuant to 37 C.F.R. § 42.70(a) and the Scheduling Order issued on December 20, 2013 (Paper No. 12), Petitioner requests an opportunity to present oral argument regarding the patentability of the challenged claims of the '696 patent. In particular, Patent Owner requests (without waiving consideration of any issue not listed below) at least one hour to address the following issues:

1. The unpatentability of claims 7-12 under Ground 4 for which this Board instituted review;
2. NuVasive's Motion to Exclude Evidence under 37 C.F.R. § 42.64(c); and
3. Any additional issues on which the Board seeks clarification.

For oral argument, which will be held July 31, 2014, Patent Owner requests the use of audio/visual equipment to display demonstrative exhibits, including the use of a projector and screen for a PowerPoint display. In accordance with the Trial Practice Guide, 77 Fed. Reg. at 48768, Patent Owner will contact the Board Trial Division paralegal to discuss this request.

Respectfully submitted,

Date: June 26, 2014

/Stephen R. Schaefer, Reg. No. 37,927/

Stephen R. Schaefer

Reg. No. 37,927

Counsel for Petitioner

(Trial No. IPR2013-00396)

## CERTIFICATE OF SERVICE

Pursuant to 37 CFR §§ 42.6(e)(4) and 42.205(b), the undersigned certifies that on June 26, 2014, a complete and entire copy of this Petitioner's Request for Oral Argument was provided via email to the Patent Owner by serving the correspondence email address of record as follows:

Thomas H. Martin  
Wesley C. Meinerding  
Martin & Ferraro, LLP  
1557 Lake O'Pines Street, NE  
Hartville, OH

Nimalka Wickramasekera  
333 South Hope Street  
Los Angeles, CA 90071

Email: [tmartin@martinferraro.com](mailto:tmartin@martinferraro.com)  
Email: [docketing@martinferraro.com](mailto:docketing@martinferraro.com)  
Email: [nwickramasekera@kirkland.com](mailto:nwickramasekera@kirkland.com)

/Diana Bradley/

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Diana Bradley  
Fish & Richardson P.C.  
60 South Sixth Street, Suite 3200  
Minneapolis, MN 55402  
(858) 678-5667