

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MEDTRONIC, INC.
Petitioner

v.

NUVASIVE, INC.
Patent Owner

Case IPR2013-00506
Patent 8,361,156

MEDTRONIC, INC.'S PROPOSED MOTION LIST

An initial conference call is scheduled for 3:00 PM Eastern Time on Thursday, February 27, 2014. Pursuant to the Decision of the Board to institute *Inter Partes* Review (Paper 9) and Office Patent Trial Practice Guide, 77 Fed. Reg. 48756, 48765-66 (Aug. 14, 2012), Petitioner identifies the following motions that it may file during the trial, depending upon positions taken by Patent Owner:

- Motions Requesting Discovery Pursuant to 37 C.F.R. § 42.51(b);
- Motions to Submit Supplemental Information Pursuant to 37 C.F.R. §§ 42.64(b)(2), 42.123;
- Motions to Exclude Evidence Pursuant to 37 C.F.R. § 42.64(c); and
- Motions for Observation on Cross-Examination Pursuant to 37 C.F.R. § 42.20.

To the extent necessary – given that Petitioner is not aware of what amendments, remarks, and evidence Patent Owner may present – Petitioner reserves the right to request permission to file additional motions as appropriate.

Respectfully submitted,

Dated: February 25, 2014

/Jeff E. Schwartz/
Jeff E. Schwartz, Reg. No. 39,019
Fox Rothschild LLP
1030 15th Street, NW
Washington, DC 20005
Tele: 202-696-1470
Fax: 202-461-3102

Attorneys for Petitioner

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e), the undersigned certifies that on the 25th day of February 2014 a complete and entire copy of “Medtronic, Inc.’s Proposed Motion List” was provided via email to the Patent Owner by serving the following email addresses:

schaefer@fr.com

hawkins@fr.com

Electronic service was used with the agreement of the Patent Owner’s counsel.

Dated: February 25, 2014

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Attorneys for Petitioner