

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

**MOTION FOR OBSERVATION REGARDING CROSS-EXAMINATION
OF LOIC JOSSE**

EXHIBITS

Ex. #	Exhibit Description
NUVA 2101	U.S. Patent No. 7,905,840 to Pimenta et al.
NUVA 2102	Declaration in Support of the <i>Pro Hac Vice</i> Admission of Michael A. Amon; Declaration of Charles Forthaus (Not Filed)
NUVA 2103	Vetebral Spacer-PR Brochure (Not Filed)
NUVA 2104	Forthaus Memo regarding Vertebral Spacer-PR Brochure (Not Filed)
NUVA 2105	myspinetools.com front page (Not Filed)
NUVA 2106	myspinetools.com Terms of Use (Not Filed)
NUVA 2107	Launch Binder (Not Filed)
NUVA 2108	Webpage Toad MySQL (Not Filed)
NUVA 2109	Reserved
NUVA 2010	U.S. Patent 8,512,408 (Hynes) (Not Filed)
NUVA 2011	Synthes SVS-PR Guide
NUVA 2012	Medtronic Sofamor Danek Boomerang brochure
NUVA 2013	Hynes Deposition Transcript
NUVA 2014	510(k) Summary Medtronic Sofamor Danek K122037
NUVA 2015	510(k) Summary Telamon® PEEK Spinal System K110562
NUVA 2016	Synthes Vertebral Spacer – AR Brochure
NUVA 2017	DePuy Spine Saber Surgical Technique Brochure
NUVA 2018	Declaration of Barton L. Sachs, M.D. in IPR2013-00206

NUVA 2019	Moro, et al., “An Anatomic Study of the Lumbar Plexus with Respect to Retroperitoneal Endoscopic Surgery”
NUVA 2020	Declaration of Dr. Hansen A. Yuan, M.D.
NUVA 2021	Curriculum Vitae of Dr. Hansen A. Yuan, M.D.
NUVA 2022	NuVasive - CoRoent XL Brochure
NUVA 2023	Redacted Engineering Drawings
NUVA 2024	Redacted Deposition of Steven DeRidder
NUVA 2025	Clydesdale® Spinal System Brochure
NUVA 2026	Clydesdale® Spinal System Images
NUVA 2027	Medtronic Direct Lateral Interbody Fusion DLIF Surgical Technique Brochure
NUVA 2028	Medtronic DILF-Direct Lateral Interbody Fusion Brochure
NUVA 2029	Clydesdale® Spinal System Image
NUVA 2030	Declaration of Patrick Miles
NUVA 2031	Declaration of Theodore G. Obenchain, M.D.
NUVA 2032	The Relationship between Cross Sectional Area and Strength of Back Muscles in Patients with Chronic Low Back Pain
NUVA 2033	Printout, U.S. News & World Report
NUVA 2034	Lumbar Vertebral Body Replacement
NUVA 2035	Lumbar – Minimally Invasive Approach (PLIF)
NUVA 2036	Excerpts from the Mathews Deposition Transcript (non-confidential portion)
NUVA 2037	Second Hynes Deposition Transcript
NUVA 2038	Josse Deposition Transcript

NUVA 2039	Patent Owner's Objection to Evidence Under 37 CFR § 42.64(b)(1), dated 9/12/2014
NUVA 2040	Email from Michael A. Amon to Jeff E. Schwartz, dated 9/9/2014

NuVasive, Inc. (“Patent Owner”) submits this motion for observation regarding cross-examination of Loic Josse, a reply declarant of Medtronic, Inc. (“Petitioner”). Patent Owner submits the following observations based on Mr. Josse’s testimony taken on September 23, 2014.

Observation #1

In Ex. 2038, on page 55 lines 13-25, Mr. Josse testified regarding the engineering drawings that he created, and stated that he did not add black redaction boxes to the engineering drawings and that the document existed without black boxes at least in 2013. That testimony is relevant to ¶ 2 of the Josse Declaration (Ex. 1116) where he references “engineering drawings that I created in January 2000.” The testimony is relevant because the heavily redacted Appendix A is not a true and correct copy of the engineering drawings that Mr. Josse actually created.

Observation #2

In Ex. 2038, on page 59, line 20 to page 60, line 11, Mr. Josse testified regarding an email string that he was copied on, and stated that he did not add black redaction boxes to the email string and that the document existed without black boxes at least at least in 2012. That testimony is relevant to ¶ 2 of the Josse Declaration where he references an “email string, on which I was copied.” The

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