

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

PATENT OWNER'S REQUEST FOR ORAL ARGUMENT

Pursuant to 37 C.F.R. § 42.70(a) and the Scheduling Order (Paper 10), Patent Owner requests an opportunity to present oral argument regarding the patentability of the challenged claims of the '156 patent. Requests for Oral Argument in the two related IPR proceedings (IPR2013-00507 and IPR2013-00508) have been filed on this same day. According to the November 2014 PTAB Public Hearing Schedule, Patent Owner understands that oral argument for the three related IPRs will be heard during hearings scheduled to start at 10:00am and 2:00pm, respectively, on November 18, 2014. Patent Owner believes that 45 minutes for each side in the morning and 45 minutes for each side in the afternoon is sufficient to cover the issues.

With regard to the '156 patent, Patent Owner requests (without waiving consideration of any issue not listed below) to address the following issues:

1. Whether Petitioner has met its burden of proof that the challenged claims are unpatentable over the combinations of prior art in the instituted grounds of unpatentability.
2. Whether evidence should be excluded as identified in Patent Owner's Motion to Exclude Evidence.
3. Issues addressed in a motion to exclude evidence filed by Petitioner, if any.
4. Any additional issues on which the Board seeks clarification.

For oral argument, which will be held November 18, 2014, Patent Owner requests to use video equipment to display exhibits, including the use of a 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: 10/6/2014

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CERTIFICATE OF SERVICE

Pursuant to 37 CFR §§ 42.6(e)(4) and 42.6(e)(4)(iii), the undersigned certifies that on October 6, 2014, a complete and entire copy of this Patent Owner's Request for Oral Argument was provided via email to the Petitioner by serving the email correspondence address of record as follows:

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