

1 UNITED STATES PATENT AND TRADEMARK OFFICE
2 BEFORE THE PATENT TRIAL AND APPEAL BOARD

3 MEDTRONIC, INC.,
4 Petitioner,

5 vs.

6 NUVASIVE, INC.,
7 Patent Owner.

Patent Number: 8,361,156

Issue Date: January 29, 2013

Case: IPR2013-00506

8 MEDTRONIC, INC.,
9 Petitioner,

10 vs.

11 NUVASIVE, INC.,
12 Patent Owner.

Patent Number: 8,187,334

Issue Date: May 29, 2012

Case: IPR2013-00507

13 MEDTRONIC, INC.,
14 Petitioner,

15 vs.

16 NUVASIVE, INC.,
17 Patent Owner.

Patent Number: 8,187,334

Issue Date: May 29, 2012

Case: IPR2013-00508

18 Deposition of RICHARD A. HYNES, M.D., F.A.C.S.,
19 taken at 100 Rialto Place, Suite 700, Melbourne,
20 Florida, commencing at 8:49 A.M., Tuesday,
21 September 30, 2014, before ANTHONY TRUJILLO,
22 RMR, CRR

23 Job No. 1928485

24 PAGES 1 - 190
25

1 APPEARANCES

2

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I N D E X

WITNESS	PAGE
CALLED BY THE PATENT OWNER:	
RICHARD A. HYNES, M.D., F.A.C.S.	5
DIRECT EXAMINATION BY MR. AMON.....	5
CROSS-EXAMINATION BY MR. SCHWARTZ.....	187

NUVASIVE EXHIBITS

The following exhibits were marked for identification:

NUMBER		PAGE
NuVasive Exhibit 2031	Declaration of Dr. Theodore G. Obenchain, M.D., IPR2014-00034, U.S. Patent 8,000,782	61
NuVasive Exhibit 2032	"The Relationship between Cross Sectional Area and Strength of Back Muscles in Patients with Chronic Low Back Pain	68
NuVasive Exhibit 2033	Printout, U.S. News & World Report	77
NuVasive Exhibit 2034	"Lumbar-Vertebral Body Replacement	82
NuVasive Exhibit 2035	"Lumbar - Minimally Invasive Approach (PLIF)"	87
NuVasive Exhibit 2036	Deposition Transcript Excerpt, Hallett Matthews	181

I N D E X

(Continued)

The following exhibits were previously marked for identification and referenced:

NUMBER		PAGE
MSD 1001	Declaration of Richard Hynes, M.D., Regarding U.S. Patent No. 8,187,334	99
MSD 1003	United States Patent Application Publication, Frey, et al.	164
MSD 1023	Document By Alphatec Spine, Portal Access System Guided Lumbar Interbody Fusion	170
MSD 1055	Second Declaration of Richard A. Hynes, M.D., IPR2013-00507	11
MSD 1105	Michelson '973 Patent	142
MSD 1115	U.S. Patent No. 8,361,156	150
MSD 1117	"Posterior Lumbar Interbody Fusion Using Posterolateral Placement of a Single Cylindrical Threaded Cage"	144
MSD 1118	Pre-Market Approval, IPR2013-00506; IPR2013-00508; Also Marked as Exhibit MSD 1016, 8/22/14	172
MSD 1132	Maximum Access Surgery Transforaminal Lumbar Interbody Fusion, IPR2013-00506; IPR2013-00508. Also Marked as MSD 1030, 8/22/14	148
MSD 1157	Declaration of Richard A. Hynes, M.D., IPR2013-00506	10
MSD 1157	Exhibit In Matter IPR2013-00508	12
MSD 1173	Excerpt of Transcript, Examination Under Oath of Hansen A. Yuan, M.D.	340

1 THEREUPON, the following proceedings were had
2 and taken at 8:49 a.m.:

3 THE REPORTER: Do you solemnly swear or affirm
4 that the testimony you are about to give shall be
5 the truth, the whole truth, and nothing but the
6 truth.

7 THE WITNESS: Yes.

8 RICHARD A. HYNES, M.D., F.A.C.S.,
9 having been first duly sworn or affirmed, testified
10 under oath as follows:

11 MR. AMON: And, Jeff, I don't know if you want
12 to state your appearance for the record.

13 MR. SCHWARTZ: Jeff Schwartz from
14 Fox Rothschild for Medtronic, the Petitioner, and
15 the IPRs 2013506, '507, and '508.

16 MR. AMON: And Michael Amon of Fish &
17 Richardson on behalf of the Patent Owner, NuVasive,
18 in the same matters.

19 With me here today is Stuart Nelson, also with
20 Fish & Richardson.

21 DIRECT EXAMINATION

22 BY MR. AMON:

23 Q. Good morning, Dr. Hynes.

24 A. Good morning.

25 Q. Could you please state your full name for the

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