

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ALPHATEC HOLDINGS, INC. AND ALPHATEC SPINE, INC.,
Petitioner,

v.

NUVASIVE, INC.,
Patent Owner.

Case No. IPR2019-00361
United States Patent No. 8,187,334

PETITIONERS' UPDATED EXHIBIT LIST
(as of July 2, 2020)

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(as of July 2, 2020)

Exhibit No.	Brief Description
1001	U.S. Patent No. 8,187,334 to Curran <i>et al.</i> (“334 patent”)
1002	Declaration of Charles L. Branch, Jr., M.D.
1003	<i>Curriculum Vitae</i> of Charles L. Branch, Jr., M.D.
1004	IPR2013-00507, Final Written Decision, Paper No. 43 (“IPR507 FWD”)
1005	<i>In re: NuVasive, Inc.</i> , No. 2015-1672, Opinion, (Fed. Cir. Nov. 9, 2016) (“IPR2013-00507, IPR2013-00508 CAFC Opinion”)
1006	RESERVED
1007	U.S. Patent No. 5,192,327 to Brantigan (“Brantigan”)
1008	U.S. Patent App. Pub. No. 2003/0028249 to Baccelli <i>et al.</i> (“Baccelli”)
1009	Synthes Vertebral Spacer-PR Brochure (“SVS-PR”)
1010	Telamon Verte-Stack PEEK Vertebral Body Spacer Brochure (“Telamon Brochure”)
1011	Telamon Implantation Guide (“Telamon Guide”)
1012	<i>Warsaw Orthopedic, Inc. v. NuVasive, Inc.</i> , No. 2013-1576, -1577, Joint Appendix, Docket No. 52-1 (Fed. Cir. June 16, 2014)
1013	Prosecution History of the ’156 patent, U.S. App. No. 13/441,092
1014	IPR2013-00208, Corrected Petition for <i>Inter Partes</i> Review of United States Patent No. 8,251,997, Paper No. 5 (“IPR208 Petition”)
1015	IPR2013-00206, Corrected Petition for <i>Inter Partes</i> Review of U.S. Patent No. 8,251,997, Paper No. 5 (“IPR206 Petition”)
1016	IPR2013-00206, Petitioner’s Reply to Patent Owner’s Response, Paper No. 43, (“IPR206 Reply”)
1017	IPR2013-00206, Final Written Decision, Paper No. 65 (“IPR206 FWD”)
1018	IPR2013-00208, Final Written Decision, Paper No. 62 (“IPR208 FWD”)
1019	<i>In re: Warsaw Orthopedic, Inc.</i> , Nos. 2015-1050, 2015-1058 (Fed. Cir. Aug. 9, 2016) (“IPR208 CAFC opinion”)
1020	Prosecution History of U.S. Patent No. 7,918,891, U.S. App. No. 11/093,409
1021	U.S. Patent No. 8,251,997 to Michelson (“Michelson ’997”)
1022	Berry <i>et al.</i> “A Morphometric Study of Human Lumbar and

Exhibit No.	Brief Description
	Selected Thoracic Vertebrae,” 12 SPINE, 362–367 (1987) (“Berry”)
1023	Prosecution History of U.S. Patent No. 8,187,334, U.S. App. No. 13/079,645
1024	<i>Warsaw Orthopedic, Inc. v. NuVasive, Inc.</i> , No. 3:08-cv-1512 CAB-MDD, NuVasive Inc.’s Memorandum of Points and Authorities in Support of its Renewed Motion for Judgment as a Matter of Law or a New Trial, Docket No. 407-1 (S.D. Cal. Oct. 27, 2011) (“Warsaw JMOL”)
1025	Prosecution History of U.S. Patent No. 8,246,686, U.S. App. No. 13/440,062
1026	U.S. Provisional Patent App. No. 60/557,536, filed March 29, 2004
1027	RESERVED
1028	U.S. Patent No. 5,127,912 to Ray <i>et al.</i>
1029	U.S. Patent No. 5,514,180 to Heggeness <i>et al.</i>
1030	Amonoo-Kuofi, “Age-Related Variation in the Horizontal and Vertical Diameters of the Pedicles of the Lumbar Spine,” 186 J. ANAT., 321–328 (1995)
1031	IPR2013-00508, Final Written Decision, Paper No. 48 (“IPR508 FWD”)
1032	U.S. Patent No. 5,860,973 to Michelson (“Michelson”)
1033	IPR2013-00507, Petition, Paper No. 1
1034	IPR2013-00508, Petition, Paper No. 1
1035	<i>Warsaw Orthopedic, Inc. v. NuVasive, Inc.</i> , No. 2013-1576, -1577, NuVasive’s Opening Brief, Docket No. 33 (Fed. Cir. Feb. 3, 2014)
1036	Panjabi <i>et al.</i> , “Complexity of the Thoracic Spine Pedicle Anatomy,” 6 EUR. SPINE J., 19–24 (1997)
1037	Kopperdahl <i>et al.</i> , “Yield Strain Behavior of Trabecular Bone,” 31 J. BIOMECHANICS, 601–608 (1998)
1038	IPR2013-00208, Declaration of Dr. Paul McAfee, M.D., M.B.A., Exhibit No. 1001
1039	RESERVED
1040	U.S. Patent Application No. 2002/0165550 to Frey <i>et al.</i>
1041	IPR2013-00507, Declaration of Richard Hynes, M.D. Regarding U.S. Patent No. 8,187,334, Exhibit No. 1001
1042	IPR2013-00508, Declaration of Richard Hynes, M.D. Regarding U.S. Patent No. 8,187,334, Exhibit No. 1101
1043	RESERVED
1044	RESERVED

Exhibit No.	Brief Description
1045	RESERVED
1046	<i>Warsaw Orthopedic, Inc. v. NuVasive, Inc.</i> , No. 2013-1576, 2013-1577, Opinion, Docket No. 77 (Fed. Cir. March 2, 2015)
1047	IPR2013-00208, Petitioner's Reply to Patent Owner's Response, Paper No. 40
1048	Declaration Of Nimalka R. Wickramasekera
1049	RESERVED
1050	Transcript of Deposition of Dr. Jim A. Youssef, January 9, 2020
1051	Transcript of Deposition of Dr. Carl McMillin, January 8, 2020
1052	Transcript of Deposition of Matthew Link, January 7, 2020
1053	U.S. Patent No. 6,241,770 to Michelson
1054	IPR2014-00075, Ex. 2065 ("McAfee")
1055	Exhibit DTX-5150-R in Case No. 3:08-cv-01512-CAB-MDD, Brantigan & Steffe, "A Carbon Fiber Implant to Aid in Interbody Lumbar Fusion," 18 SPINE., 2106-2117 (1993)
1056	Excerpt of trial transcript in Case No. 3:08-cv-01512-CAB-MDD
1057	RESERVED
1058	RESERVED
1059	Excerpt of Transcript of Deposition of Dr. Jim A. Youssef, January 10, 2020
1060	Excerpt of Petitioner's Reply to Patent Owner's Response in IPR2013-00206
1061	Expert Report of Jim Youssef re Damages dated November 8, 2019 in Case No. 3:08-cv-01512-CAB-MDD
1062	Order re Motion to Dismiss Counts VII and VIII dated May 14, 2018 filed in Case No. 3:18-cv-00347-CAB-MDD
1063	Exhibit 5, Consulting Agreement Memo dated October 26, 2017 filed in Case No. 3:18-cv-00347-CAB-MDD
1064	Dr. Jim A. Youssef entry – openpaymentsdata.cms.gov (as of Dec. 3, 2019)
1065	Excerpts of the Declaration of Matthew Link in Support of Motion for Preliminary Injunctio filed in Case No. 3:18-cv-00347-CAB-MDD
1066	Petitioners' Errata Sheet for the Transcript of the Record of Oral Hearing

Date: July 2, 2020

Respectfully submitted,

/Jovial Wong/
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