

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ALPHATEC HOLDINGS, INC. and ALPHATEC SPINE, INC.,
Petitioners,

v.

NUVASIVE, INC.,
Patent Owner.

Case No. IPR2019-00361 (Patent No. 8,187,334)

Case No. IPR2019-00362 (Patent No. 8,361,156)

Case No. IPR2019-00546 (Patent No. 8,187,334)

**ERRATA SHEET FOR THE TRANSCRIPT
OF THE RECORD OF ORAL HEARING**

ERRATA SHEET FOR THE TRANSCRIPT OF:

Case Name: ALPHATEC HOLDINGS, INC. et al. v. NUVASIVE, INC.

Record of Oral Hearing

Hearing Date: April 3, 2020

Page: 27 Line: 14 Reads: “apothecial ring”

Should Read: “apophyseal ring”

Page: 27 Line: 18 Reads: “and subjective to (inaudible)”

Should Read: “and subject to questions”

Page: 28 Line: 5 Reads: “our petition materials”

Should Read: “our responsive materials”

Page: 32 Lines: 5-6 Reads: “so I don’t believe that the issues that are presented here necessarily presented in the prior case”

Should Read: “so I don’t believe that the issues that are presented here necessarily were presented in the prior case”

Page: 32 Line: 16 Reads: “can I just ask”

Should Read: “can I just add”

Page: 34 Line: 14 Reads: “meet the claim structure”

Should Read: “meet the claimed structure”

Page: 35 Lines: 13-14 Reads: “attempted to be addressed in the petition materials entirely by a true reliance on the Baccelli reference”

Should Read: “attempted to be addressed in the petition materials entirely by a pure reliance on the Baccelli reference”

Page: 35 Line: 16-18 Reads: “particularly that that supports a marker configuration that is claimed and a marker configuration, if imported over to the primary references”

Should Read: “particularly that that supports a marker configuration that is claimed and a marker configuration that, if imported over to the primary references”

Page: 36 Line: 18 Reads: “central mid plane”

Should Read: “sagittal midplane”

Page: 39 Line: 11 Reads: “that still fails because the claims are pointing to still require two more”

Should Read: “that still fails because the claims are going to still require two more”

Page: 40 Lines: 11-12 Reads: “what we’ve also identified as the language that was presented looked to be lifted entirely as a virtual cut and paste”

Should Read: “what we’ve also identified is the language that was presented looked to be lifted entirely as a virtual cut and paste”

Page: 40 Line: 13 Reads: “involving ’156”

Should Read: “involving the ’156 patent”

Page: 40 Lines: 15-20 Reads: “but it’s particularly important in the context of that case

because one of the reasons is if it’s specifically rejected is because that was a rationale that was not supported by any prior art, but came from the testimony of a NuVasive doctor who is talking about some of the benefits he had perceived from that configuration after the filing date”

Should Read: “but it’s particularly important in the context of that case because one of the reasons it was specifically rejected is because that was a rationale that was not supported by any prior art, but came from the testimony of a NuVasive doctor who is

talking about some of the benefits he had perceived from that configuration after the filing date”

Page: 40 Line: 20 Reads: “that’s unsupported assertion”

Should Read: “that’s an unsupported assertion”

Page: 40 Lines: 20-21 Reads: “if there is any record that goes with this”

Should Read: “if there is any evidence of record that goes to this”

Page: 40 Lines: 21-22 Reads: “evidence that’s not properly available with (inaudible) rationale”

Should Read: “evidence that’s not properly available with hindsight rationale”

Page: 42 Line: 6 Reads: “what’s missing from the petition materials in the evidence”

Should Read: “what’s missing from the petition materials and the evidence”

Page: 42 Lines: 9-11 Reads: “the more likely result would be decrease in safety or compromise in safety, and increases invasiveness”

Should Read: “the more likely result would be a decrease in safety or compromise in safety, and increased invasiveness”

Page: 44 Lines: 11-12 Reads: “sequential assertion”

Should Read: “sequential insertion”

Page: 44 Line: 20 Reads: “I’m glad that question is specifically proposed”

Should Read: “I’m glad that question was specifically proposed”

Page: 45 Line: 8-9 Reads: “a modular combination as being anything other than a combination into standardized parts that are assembled together”

Should Read: “a modular combination as being anything other than a combination of standardized parts that are assembled together”

Page: 48 Line: 3 Reads: “why this modularity of Michelson combinations failed”

Should Read: “why these modularity of Michelson combinations failed”

Page: 49 Lines: 21-22 Reads: “if you’re linearly inserting these specific or a hollow tube as they suggest”

Should Read: “if you’re linearly inserting these specific implants through a hollow tube as they suggest”

Page: 50 Line: 2 Reads: “same surgical profile as you would with Michelson’s much larger.”

Should Read: “same surgical profile as you would with Michelson’s much larger implant.”

Page: 50 Lines: 2-3 Reads: “You end up the full assembly”

Should Read: “you end up with the full assembly”

Page: 50 Line: 24 Reads: “claim 9 of ’156”

Should Read: “claim 9 of the ’156 patent”

Page: 51 Line: 16 Reads: “implant that is about 18 millimeters-plus in length”

Should Read: “implant that is about 18 millimeters -plus in width”

Page: 52 Line: 23 Reads: “sizing that’s as much smaller than what’s being proposed”

Should Read: “sizing that is much smaller than what’s being proposed”

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