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"



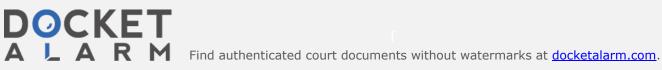
Page:	35	Lines: 16-18 Reads: "particularly that that supports a marker configuration that				
	is claimed and a marker configuration, if imported over to the primary references"					
	Should	Read: "particularly that that supports a marker configuration that is claimed and a				
	marker	configuration 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				
	present	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 wa	as 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 reas	sons it was specifically rejected is because that was a rationale that was not				
	cunnor	ted 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 d	ate"				
Page:			Reads: "that's unsupported assertion"			
	Should	Read: "that's a	an unsupported assertion"			
Page:	40	Lines: 20-21	Reads: "if there is any record that goes with this"			
<u> </u>			e is any evidence of record that goes to this"			
Page:			Reads: "evidence that's not properly available with (inaudible)			
	rational	rationale"				
	Should	Read: "eviden	ce that's not properly available with hindsight rationale"			
Page:	42	Line: 6	Reads: "what's missing from the petition materials in the			
	evidenc	evidence"				
	Should Read: "what's missing from the petition materials and the evidence"					
Page:	42	Lines: <u>9-11</u>	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: <u>11-12</u>	Reads: "sequential assertion"			
	Should	Read: "sequen	tial insertion"			
Page:	44	Line: <u>20</u>	Reads: "I'm glad that question is specifically proposed"			
-			ad that question was specifically proposed"			



Page:	45	Lines: <u>8-9</u>	Reads: "a modular combination as being anything other than a			
	combin	combination into standardized parts that are assembled together"				
	Should	Read: "a modu	ular combination as being anything other than a combination of			
	standar	standardized parts that are assembled together"				
Page:	48	Line: 3	Reads: "why this modularity of Michelson combinations failed"			
	Should	Read: "why th	ese modularity of Michelson combinations failed"			
Page:	49	Lines: <u>21-22</u>	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: <u>2</u>	Reads: "same surgical profile as you would with Michelson's			
	much 1	arger."				
	Should	Read: <u>"same s</u>	urgical profile as you would with Michelson's much larger			
	<u>implan</u>	t."				
Page:	50	Lines: <u>2-3</u>	Reads: "You end up the full assembly"			
	Should	Should Read: "you end up with the full assembly"				
Page:	50	Line: <u>24</u>	Reads: "claim 9 of '156"			
	Should	Should Read: "claim 9 of the '156 patent"				
Page:	51	Line: <u>16</u>	Reads: "implant that is about 18 millimeters-plus in length"			
	Should Read: "implant that is about 18 millimeters -plus in width"					
Page:	52	Line: <u>23</u>	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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