

Gerrard, Sonja

From: Rosato, Michael
Sent: Monday, September 30, 2019 4:31 PM
To: Wong, Jovial; Dalke, David P.; Wickramasekera, Nimalka
Cc: Gerrard, Sonja; Mills, Jad
Subject: IPR2019-00361, -362, -546 (Alphatec v. NuVasive)
Attachments: Alphatec v. NuVasive - Due Date Appendix.pdf; Exhibit 4.pdf

Importance: High

Counsel,

We would like to make a 2 week extension for response time in the above case, which we can apply to due dates 1-3 (illustrated in the attached document). Please let us know if the extension is agreeable. Note that we are not filing a motion to amend claims in any of the cases.

As you know, the cross-examination of Dr. Branch just took place on Sept. 24th. We also understand that Alphatec produced certain documents in the co-pending district court litigation on Sept. 25th, including the attached document from Dr. Brantigan ("Brantigan Document" - marked Exhibit 4 in the litigation). The Brantigan Document discusses sizing of the Brantigan implants (as in Ex. 1007 in the IPRs – US 5,192,327), citing the Berry reference (Ex. 1022 in the IPRs).

The extension of time is necessary to allow us to obtain the final transcript from the deposition of Dr. Branch and address that testimony in our briefing, and to assess the documents obtained from the district court litigation. If there is no objection to the time extension, we will send over a draft stipulation prior to filing.

Best regards,

Michael T Rosato

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