APPENDIX F

TO DECLARATION OF JIM A. YOUSSEF, M.D.

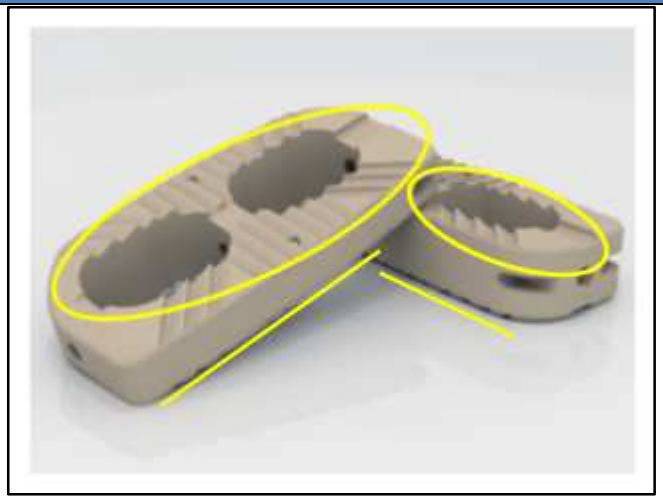
IN SUPPORT OF NUVASIVE'S MOTION FOR PRELIMINARY INJUNCTION

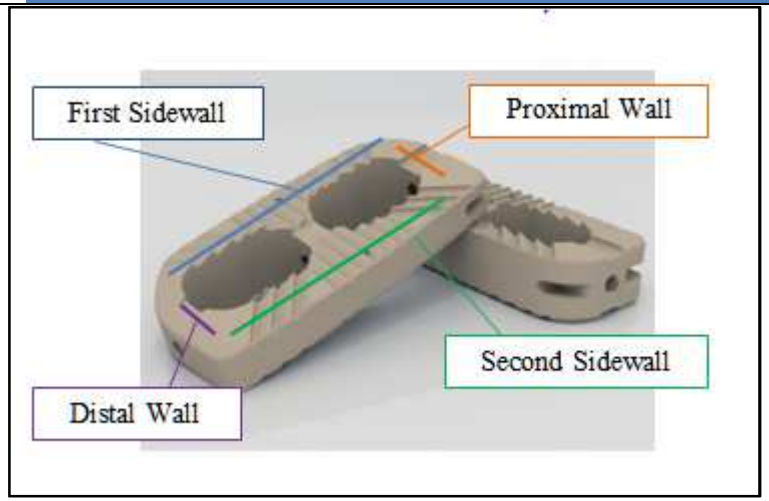
APPENDIX F

8,361,156 Infringement Chart

Claim	Accused Instrumentality
[1A] A spinal fusion implant of non-bone construction positionable within an interbody space between a first vertebra and a second vertebra, said implant comprising:	The Battalion™ Lateral Spacer is a spinal fusion implant of non-bone construction positionable within an interbody space between a first vertebra and a second vertebra. In particular, the Battalion™ Lateral Spacer is manufactured from PEEK Optima LT1 with/without titanium coated endplates and tantalum markers. The Battalion™ Lateral Spacer is configured to be placed into an interbody space between a first and second vertebra. The Battalion Universal Spacer System (Battalion System) is an intervertebral body fusion device with implants of various lengths, widths, heights, and degrees of lordosis to accommodate individual patient anatomy. The implants are manufactured from PEEK Optima LT1 with/without titanium coated endplates and tantalum markers. All materials are surgical grade conforming to ASTM F2026 (PEEK), ASTM F1580 (titanium coating), and ASTM F560 (tantalum). [Exhibit U to Complaint (Battalion™ Lateral Thoracolumbar Surgical Technique Guide) at 28]

Claim	Accused Instrumentality
	INDICATIONS: The Battalion System is indicated for spinal fusion procedures in skeletally mature patients at one or two contiguous levels in the thoracolumbar spine. Thoracic: T1-T2 to T11-T12, or at the thoracolumbar junction (T12-L1), following discectomy for the treatment of a symptomatic degenerative disc disease (DDD), including thoracic disc herniation (myelopathy and/or radiculopathy with or without axial pain). The lateral approach is limited to levels T5-6 to T11-T12. Lumbar: L1-L2 to L5-S1, for the treatment of degenerative disc disease (DDD) with up to Grade I spondylolisthesis or retrolisthesis at the involved level(s). DDD is defined as back pain of discogenic origin with degeneration of the disc confirmed by history and radiographic studies. [Exhibit U to Complaint at 28]
[1B] an upper surface including anti-migration elements to contact said first vertebra when said implant is positioned within the interbody space, a lower surface including anti-migration elements to contact said second vertebra when said implant is positioned within the interbody space, a distal wall, a proximal wall, a first sidewall, and a second sidewall generally opposite from the first sidewall, wherein said distal wall, proximal wall. first sidewall, and second sidewall comprise	The Battalion™ Lateral Spacer includes an upper surface including anti-migration elements to contact said first vertebra when said implant is positioned within the interbody space, a lower surface including anti-migration elements to contact said second vertebra when said implant is positioned within the interbody space, a distal wall, a proximal wall, a first sidewall, and a second sidewall generally opposite from the first sidewall, wherein said distal wall, proximal wall, first sidewall, and second sidewall comprise a radiolucent material. The upper surface and lower surface of the Battalion™ Lateral Spacer include anti-migration elements to contact a first and second vertebra, respectively, when the Battalion™ Lateral Spacer is positioned within the interbody space.

Claim	Accused Instrumentality
a radiolucent material;	 [Exhibit V to Complaint (Alphatec's webpage advertising the Battalion™ Lateral Spancer)] The Battalion™ Lateral Spacer comprises a distal wall, a proximal wall, a first sidewall, and a second sidewall generally opposite from the first sidewall. The first sidewall is located anterior (toward the front of the patient), while the second sidewall is located posterior (toward the back of the patient). The proximal wall is the side in which the surgeon attaches the implant to the inserter for insertion, whereas the distal wall is the opposing side of the insertion point. The definition of the proximal wall and distal wall will depend on whether the implant is inserted on the left or right side of the patient. The annotated figure shows the situation where the implant is inserted from the right side of the patient.

Claim	Accused Instrumentality
	 [Exhibit V to Complaint] The distal wall, the proximal wall, the first sidewall, and the second sidewall are manufactured from PEEK Optima LT1, a radiolucent material. The implants are manufactured from PEEK Optima LT1 with/without titanium coated endplates and tantalum markers. All materials are surgical grade conforming to ASTM F2026 (PEEK), ASTM F1580 (titanium coating), and ASTM F560 (tantalum). [Exhibit U to Complaint at 28]
[1C] wherein said implant has a longitudinal length extending from a proximal end of said proximal wall to a distal end of said distal wall, said implant has a maximum lateral width extending from said first sidewall to said	The Battalion™ Lateral Spacer has a longitudinal length extending from a proximal end of said proximal wall to a distal end of said distal wall, said implant has a maximum lateral width extending from said first sidewall to said second sidewall along a medial plane that is generally perpendicular to said longitudinal length, and said longitudinal length is greater than said maximum lateral width. The Battalion™ Lateral Spacer has a longitudinal length and a maximum lateral width. The maximum lateral width extends from the first sidewall to the second sidewall along a medial plane that is generally perpendicular to the longitudinal length. The longitudinal length is greater than the maximum lateral width.

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