UNITED STATES PATENT AND TRADEMARK OFFICE
_____

BEFORE THE PATENT TRIAL AND APPEAL BOARD
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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)

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**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
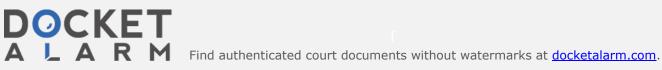
reliance on the Baccelli reference" _____

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 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__ Lines: 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"

-4-

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