1   Charles L. Branch, Jr., MD.

2   UNITED STATES PATENT AND TRADEMARK OFFICE

3   BEFORE THE PATENT TRIAL AND APPEAL BOARD

4   ALPHATEC HOLDINGS, INC.,

5   AND ALPHATEC SPINE, INC.,   Case No:

6   Petitioner,   IPR2019-00361

7   vs.   United States Patent

8   NUVASIVE, INC.,   No. 8,187,334

9   Patent Owner

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      Deposition of Charles L. Branch, Jr., MD.

12   Tuesday, September 24, 2019

                  At 9:00 a.m.

13   Charlotte, North Carolina

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15   REVISED

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22   Reported by LeShaunda Cass-Byrd, CSR, RPR

23   TSG Job No. 168221

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1   Charles L. Branch, Jr., MD.

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1   Charles L. Branch, Jr., MD.

2   EXAMINATION OF CHARLES BRANCH, JR., M.D.,

3   By Mr. Mills   4

4   DEPOSITION EXHIBITS

5   EXHIBIT   DESCRIPTION   PAGE

6   Exhibit 2021   Sketch   117

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1   Charles L. Branch, Jr., MD.

2   CHARLES BRANCH, JR., M.D.,

3   having been first duly sworn, was examined and

4   testified as follows:

5   EXAMINATION

6   BY MR. MILLS: 09:07:32

7   Q.   Good morning. Can you please state your   09:07:32

8   name for the record?   09:07:36

9   A.   Charles L. Branch, Jr.   09:07:38

10   Q.   It's Dr. Branch, correct?   09:07:39

11   A.   Correct.   09:07:41

12   Q.   Dr. Branch, have you been deposed before?   09:07:41

13   A.   Yes.   09:07:44

14   Q.   How many times have you been deposed   09:07:44

15   before?   09:07:46

16   A.   Several.   09:07:49

17   Q.   When was your most recent deposition?   09:07:50

18   A.   A year ago.   09:07:51

19   Q.   I may not go through all the ground rules,   09:07:56

20   but I will go through a bit of a refresher, if that is   09:08:00

21   all right. So from your last deposition, you probably   09:08:03

22   recall it's very important that we speak only one at a   09:08:05

23   time. Okay?   09:08:08

24   A.   Yes.   09:08:10

25   Q.   And that counsel has to think about that as   09:08:11

1   Charles L. Branch, Jr., MD.

2   well. It's something we forget probably even more   09:08:14

3   than the witnesses.   09:08:17

4   You understood you just took an oath. So   09:08:18

5   it's very important that you tell the truth, to the   09:08:22

6   best of your ability today.   09:08:26

7   Do you understand that?   09:08:28

8   A.   Yes, I do.   09:08:29

9   Q.   Is there any reason that you would not be   09:08:30

10   able to give the full and true testimony to the best   09:08:31

11   of your ability today?   09:08:34

12   A.   No.   09:08:36

13   Q.   For example, if you were under the   09:08:36

14   influence of any medication or something like that,   09:08:38

15   that would impair your ability to testify?   09:08:41

16   A.   No medicines.   09:08:44

17   Q.   Okay. If the attorney sitting next to you   09:08:48

18   lodges any objections at any point, that doesn't   09:08:51

19   excuse you from answering any question.   09:08:54

20   Do you understand that?   09:08:56

21   A.   Yes.   09:08:57

22   Q.   If you'd like to take a break, you are   09:08:57

23   perfectly welcome to take breaks. I will try and take   09:09:01

24   breaks every once and a while. If you want a break,   09:09:04

25   you just need to say something. But I will ask that   09:09:06

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