

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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NUVASIVE, INC.  
Petitioner

v.

WARSAW ORTHOPEDIC, INC.  
Patent Owner

Patent Number: 8,251,997 B2  
Issue Date: August 28, 2012

METHOD FOR INSERTING AN ARTIFICIAL IMPLANT BETWEEN TWO  
ADJACENT VERTEBRAE ALONG A CORONAL PLANE

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Case IPR2013-00208

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**PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE**

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## EXHIBITS

NUVASIVE1001	Declaration of Dr. McAfee, M.D., M.B.A.
NUVASIVE1002	U.S. Patent No. 8,251,997 to Michelson (“997 Patent”)
NUVASIVE1003	Select Prosecution History of the ‘997 patent
NUVASIVE1004	U.S. Pat. No. 4,545,374 to Jacobson (“Jacobson”)
NUVASIVE1005	Leu et al., <i>Percutaneous Fusion of the Lumbar Spine</i> , Spine Vol. 6, No. 3, pp. 593-604 (September 1992) (“Leu”)
NUVASIVE1006	U.S. Pat. No. 5,192,327 to Brantigan (“Brantigan”)
NUVASIVE1007	U.S. Pat. No. 4,917,704 to Frey et al. (“Frey”)
NUVASIVE1008	U.S. Pat. No. 5,015,247 to Michelson (“Michelson ‘247”)
NUVASIVE1009	European Pub. No. EP 0567424A1 to Alacreu (“Alacreu”)
NUVASIVE1010	Baulot et al., <i>Adjuvant Anterior Spinal Fusion Via Thoracoscopy</i> , Lyon Chirurgical Vol. 90, No. 5, pp. 347-51 (1994) (“Baulot”)
NUVASIVE1011	English Translation of Baulot and Certificate of Translation
NUVASIVE1012	Rosenthal et al., <i>Removal of a Protruded Thoracic Disc Using Microsurgical Endoscopy</i> , Spine Vol. 19, No. 9, pp. 1087-91 (1994) (“Rosenthal”)
NUVASIVE1013	U.S. Pat. No. 4,573,448 to Kambin (“Kambin”)
NUVASIVE1014	WO 94/28824 to Michelson (“Michelson PCT”)

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NUVASIVE1015	U.S. Pat. No. 5,772,661 to Michelson (“Michelson ‘661”)
NUVASIVE1016	U.S. Pat. No. 8,343,224 to Lynn et al. (“Lynn”)
NUVASIVE 1017	Affidavit of Mr. Frank E. Scherkenbach in support of Petitioner’s Motion for <i>Pro Hac Vice</i> Admission
NUVASIVE 1018	Resume of Mr. Frank E. Scherkenbach, provided as an exhibit to Petitioner’s Motion for <i>Pro Hac Vice</i>
NUVASIVE 1019	Cover page and Affidavit of Henry Vernon Crock, AO, MD, MS, FRCS, FRACS, FRCS Ed (Hon), D. Sc (Honoris causa), of Melbourne, Australia, made September 11, 2012
NUVASIVE 1020	Exhibit HVC-1 to Affidavit of Henry Vernon Crock, being a copy of Federal Court of Australia Practice Note CM7
NUVASIVE 1021	Exhibit HVC-2 to Affidavit of Henry Vernon Crock, being a copy of the curriculum vitae of Henry Vernon Crock
NUVASIVE 1022	Exhibit HVC-3 to Affidavit of Henry Vernon Crock, being a copy of Crock, “Observations on the Management of Failed Spinal Operations,” in <u>The Journal of Bone and Joint Surgery</u> , Vol. 58-B, No. 2, pp. 193-199, May 1976
NUVASIVE 1023	Exhibit HVC-4 to Affidavit of Henry Vernon Crock, being a copy of Crock, “Anterior Lumbar Interbody Fusion – Indications for its Use and Notes on Surgical Technique,” in <u>Clinical Orthopedics and Related Research</u> , No. 165, May 1982

...

NUVASIVE 1024	Exhibit HVC-5 to Affidavit of Henry Vernon Crock, being a copy of Fujimaki et al., "The Results of 150 Anterior Lumbar Interbody Fusion Operations Performed by Two Surgeons in Australia," in in <u>Clinical Orthopedics and Related Research</u> , No. 165, May 1982
NUVASIVE 1025	Exhibit HVC-5 to Affidavit of Henry Vernon Crock, being a copy of Crock, <u>A Practice of Spinal Surgery</u> , Springer-Verlag, Wein, New York, Revised 1 <sup>st</sup> Edition, 1983
NUVASIVE 1026	Exhibit to HVC-5 Affidavit of Henry Vernon Crock, being a copy of Crock, <u>A Short Practice of Spinal Surgery</u> , Springer-Verlag, Wein, New York, Revised 2 <sup>nd</sup> Edition, 1993
NUVASIVE 1027	Page 29 of NUVASIVE 1003, hand-annotated by Dr. Sachs during Feb. 25, 2014 Deposition
NUVASIVE 1028	Transcript of Deposition of Dr. Barton Sachs, Conducted Feb. 25, 2014
NUVASIVE 1029	Second Declaration of Dr. Paul McAfee, M.D., M.B.A.
NUVASIVE 1030	Declaration of Dr. Robert Jacobson, M.D.
NUVASIVE 1031	Declaration of Dr. John Brantigan, M.D.
NUVASIVE 1032	Declaration of Patrick Miles
NUVASIVE 1033	U.S. Patent No. 6,241,770 to Michelson
NUVASIVE 1034	U.S. Patent No. 5,397,364 to Kozak et al.

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