

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Patent Application of )  
 )  
 Patrick Miles, et al. )  
 ) Group Art Unit: TBD  
 )  
 App. Ser. No. 29/306,656 )  
 ) Examiner: TBD  
 )  
 Filed: April 14, 2008 )  
 )  
 For: INTERVERTEBRAL IMPLANT )  
 )

**Certificate of Transmission:** I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office, via EFS-Web, on August 11, 2008

/roryschermerhorn/  
 \_\_\_\_\_  
 Rory Schermerhorn

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Dear Sir:

In response to a Notice to File Missing Parts mailed on April 28, 2008, having a two-month period for response that expired June 28, 2008, the applicants respectfully submit an executed declaration signed by each of the inventors as required by the Notice to File Missing Parts.

Attorney Docket No. 104DES2

Serial No. 29/306,656

Filing Date: April 14, 2008

Title: Intervertebral Implant

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Furthermore, Applicants hereby authorize a payment of a \$65.00 fee for the late filed declaration and a \$230.00 fee for the extension of time request to be charged to Deposit Account No.: 50-2040 for Customer No. 30,328. No other fees are deemed necessary at this time.

However, in the event that there are any additional fees to be charged or payments to be credited, the applicant hereby request that any charges or credits be made to Deposit Account No.: 50-2040 for Customer No.: 30,328. In the event that there are any questions concerning the remarks above or the application in general, the Examiner is cordially invited to telephone the undersigned attorney so that prosecution may be expedited.

Respectfully submitted,  
NUVASIVE, INC.

/roryschermerhorn/

By: \_\_\_\_\_  
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August 11, 2008