

NUVASIVE INC  
Form 8-K  
September 21, 2011

**UNITED STATES**  
**SECURITIES AND EXCHANGE COMMISSION**

Washington, D.C. 20549

**Form 8-K**

**Current Report**

Pursuant to Section 13 or 15(d) of the  
Securities Exchange Act of 1934

Date of Report (Date of earliest event reported): September 20, 2011

**NUVASIVE, INC.**

(Exact name of registrant as specified in its charter)

**Delaware**  
(State or Other Jurisdiction  
of Incorporation)

**000-50744**  
(Commission  
File Number)

**33-0768598**  
(I.R.S. Employer  
Identification Number)

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7475 Lusk Boulevard, San Diego, California 92121

(Address of principal executive offices, with zip code)

(858) 909-1800

(Registrant's telephone number, including area code)

n/a

(Former name or former address, if changed since last report)

Check the appropriate box below if the Form 8-K filing is intended to simultaneously satisfy the filing obligation of the registrant under any of the following provisions (*see* General Instruction A.2. below):

- .. Written communications pursuant to Rule 425 under the Securities Act (17 CFR 230.425)
- .. Soliciting material pursuant to Rule 14a-12 under the Exchange Act (17 CFR 240.14a-12)
- .. Pre-commencement communications pursuant to Rule 14d-2(b) under the Exchange Act (17 CFR 240.14d-2(b))
- .. Pre-commencement communications pursuant to Rule 13e-4(c) under the Exchange Act (17 CFR 240.13e-4(c))

**Item 8.01 Other Events.**

As previously disclosed, a trial was set for August 30, 2011 for the first phase of the patent infringement lawsuit between NuVasive, Inc., a Delaware corporation (the Company) and Medtronic Sofamor Danek USA, Inc. (Medtronic), (Case No. 3:08-cv-1512). On September 20, 2011, a jury from the U.S. District Court, Southern District of California (San Diego) delivered an unfavorable verdict against the Company with respect to three Medtronic patents and a favorable verdict was delivered in favor of the Company with respect to a Company patent. NuVasive intends to timely appeal the unfavorable verdict.

Also on September 20, 2011, the Company issued a press release announcing the verdict. A copy of the press release is furnished as Exhibit 99.1.

**Item 9.01 Financial Statements and Exhibits.**

- (a) Not applicable
- (b) Not applicable
- (c) Not applicable
- (d) Exhibits.

| Exhibit Number | Description   |
|----------------|---|
| 99.1           | Press release of NuVasive, Inc. issued on September 20, 2011. |

**SIGNATURES**

Pursuant to the requirements of the Securities Exchange Act of 1934, the Registrant has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

**NUVASIVE, INC.**

Date: September 20, 2011

By: */s/ Alexis V. Lukianov*  
Alexis V. Lukianov  
Chairman and Chief Executive Officer

**EXHIBIT INDEX**

| Exhibit Number | Description   |
|----------------|---|
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