

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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