



Alphatec Announces Stay of Court Proceedings in NuVasive Patent Lawsuit

February 11, 2019

CARLSBAD, Calif., Feb. 11, 2019 (GLOBE NEWSWIRE) -- Alphatec Holdings, Inc. ("ATEC" or "the Company") (Nasdaq: ATEC) today announced several favorable developments in its ongoing patent litigation with NuVasive, Inc. (Nasdaq: NUVA).

On February 6, 2019, the United States District Court for the Southern District of California (the "Court") granted a stay in the patent litigation proceedings between ATEC and NuVasive and vacated the December 9, 2019 trial date. The stay, which was agreed to by both ATEC and NuVasive, halts active litigation in the patent suit while the U.S. Patent and Trademark Office considers challenges recently filed by ATEC to invalidate certain NuVasive patents covering its CoRoent® lateral implants.

"We are extremely pleased with the many legal successes that we have seen to date in this lawsuit, including the Court's entry of the stay," said Pat Miles, ATEC's Chairman and Chief Executive Officer. "I am confident that, upon full review, the Patent Office will invalidate the challenged NuVasive implant patents. While we welcome the positive legal developments, we are not looking to distinguish ATEC in the courtroom. Instead, we are on a mission to differentiate ATEC in the operating room, leveraging our organic innovation machine to improve surgical outcomes. With twelve new product releases slated for 2019, including the highly anticipated launch of our revolutionary nerve monitoring platform, we are increasingly well-positioned to be the *new* leader of innovation in spine."

NuVasive originally filed suit against ATEC in February 2018, asserting various infringement claims against ATEC's lateral surgery procedure. In May 2018, upon ATEC's motion, the Court dismissed NuVasive's claims that ATEC infringed design patents covering the implants and sequential dilators used in lateral surgery.

In July 2018, the Court denied NuVasive's motion for preliminary injunction, rejecting NuVasive's effort to block ATEC from participation in the lateral surgery market and finding that NuVasive failed to meet its burden to prove it was likely to succeed on the merits of its case. Then, in January 2019, the Court rejected NuVasive's attempt to dismiss ATEC's claims that NuVasive intentionally had misled the Patent Office as a means of obtaining certain patents asserted against ATEC.

ATEC anticipates that the stay of proceedings announced today will remain in effect until at least July 2019, when it is expected that the Patent Office will decide whether it will institute a full review of the challenged NuVasive implant patents.

About Alphatec Holdings, Inc.

Alphatec Holdings, Inc., through its wholly-owned subsidiaries, Alphatec Spine, Inc. and SafeOp Surgical, Inc., is a medical device company that designs, develops and markets Spine Approach Technologies for the treatment of spinal disorders associated with disease and degeneration, congenital deformities and trauma. The Company's mission is to improve lives by providing innovative spine surgery solutions through the relentless pursuit of superior outcomes. The Company markets its products in the U.S. via independent sales agents and a direct sales force.

Additional information can be found at www.atecspine.com.

Forward-Looking Statements

This press release contains "forward-looking statements" within the meaning of the Private Securities Litigation Reform Act of 1995 that involve risks and uncertainty. Such statements are based on management's current expectations and are subject to a number of risks and uncertainties that could cause actual results to differ materially from those described in the forward-looking statements. The Company cautions investors that there can be no assurance that actual results or business conditions will not differ materially from those projected or suggested in such forward-looking statements as a result of various factors. Forward-looking statements include the references to the Company's planned commercial launches and product introductions, and potential outcomes of ongoing litigation. Important factors that could cause actual results to differ materially from those expressed or implied by such forward-looking statements include, but are not limited to: the uncertainty of success in developing new products or products currently in the Company's pipeline; the uncertainties in the Company's ability to execute upon its strategic operating plan; failure to achieve acceptance of the Company's products by the surgeon community; failure to obtain FDA or other regulatory clearance or approval for new products, or unexpected or prolonged delays in the process; product liability exposure; an unsuccessful outcome in any litigation in which the Company is a defendant; patent infringement claims; claims related to the Company's intellectual property and the Company's ability to meet its financial obligations. The words "believe," "will," "should," "expect," "intend," "estimate," "look forward" and "anticipate," variations of such words and similar expressions identify forward-looking statements, but their absence does not mean that a statement is not a forward-looking statement. A further list and description of these and other factors, risks and uncertainties can be found in the Company's most recent annual report, and any subsequent quarterly and current reports, filed with the Securities and Exchange Commission. ATEC disclaims any intention or obligation to update or revise any forward-looking statements, whether as a result of new information, future events, or otherwise, unless required by law.

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