

NUVASIVE INC  
Form 4  
September 29, 2006

**FORM 4**

**UNITED STATES SECURITIES AND EXCHANGE COMMISSION  
Washington, D.C. 20549**

OMB APPROVAL

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Check this box if no longer subject to Section 16. Form 4 or Form 5 obligations may continue. See Instruction 1(b).

**STATEMENT OF CHANGES IN BENEFICIAL OWNERSHIP OF SECURITIES**

Filed pursuant to Section 16(a) of the Securities Exchange Act of 1934, Section 17(a) of the Public Utility Holding Company Act of 1935 or Section 30(h) of the Investment Company Act of 1940

(Print or Type Responses)

1. Name and Address of Reporting Person \*  
Spangler Jonathan

(Last) (First) (Middle)

4545 TOWNE CENTRE COURT

(Street)

SAN DIEGO, CA 92121

(City) (State) (Zip)

2. Issuer Name and Ticker or Trading Symbol  
NUVASIVE INC [NUVA]

3. Date of Earliest Transaction  
(Month/Day/Year)  
09/28/2006

4. If Amendment, Date Original Filed(Month/Day/Year)

5. Relationship of Reporting Person(s) to Issuer

(Check all applicable)

\_\_\_\_ Director \_\_\_\_\_ 10% Owner  
 Officer (give title below) \_\_\_\_\_ Other (specify below)  
VP & Chief Patent Counsel

6. Individual or Joint/Group Filing(Check Applicable Line)  
 Form filed by One Reporting Person  
\_\_\_\_ Form filed by More than One Reporting Person

**Table I - Non-Derivative Securities Acquired, Disposed of, or Beneficially Owned**

| 1. Title of Security (Instr. 3) | 2. Transaction Date (Month/Day/Year) | 2A. Deemed Execution Date, if any (Month/Day/Year) | 3. Transaction Code (Instr. 8) | 4. Securities Acquired (A) or Disposed of (D) (Instr. 3, 4 and 5) | 5. Amount of Securities Beneficially Owned Following Reported Transaction(s) (Instr. 3 and 4) | 6. Ownership Form: Direct (D) or Indirect (I) (Instr. 4) | 7. Nature of Ownership (Instr. 4) |
|---------------------------------|--------------------------------------|--|--------------------------------|---|---|--|-----------------------------------|
|                                 |                                      |  | Code                           | V   | Amount (A) or (D) Price   |  |                                   |
| Common Stock <sup>(1)</sup>     | 09/28/2006                           |  | M                              |   | 208 A \$ 0.63 5,298   | D  |                                   |
| Common Stock <sup>(1)</sup>     | 09/28/2006                           |  | S <sup>(2)</sup>               |   | 208 D \$ 20.67 5,090  | D  |                                   |
| Common Stock <sup>(1)</sup>     | 09/28/2006                           |  | M                              |   | 792 A \$ 0.63 5,882   | D  |                                   |
| Common Stock <sup>(1)</sup>     | 09/28/2006                           |  | S <sup>(2)</sup>               |   | 792 D \$ 20.67 5,090  | D  |                                   |

Reminder: Report on a separate line for each class of securities beneficially owned directly or indirectly.

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(9-02)

**Table II - Derivative Securities Acquired, Disposed of, or Beneficially Owned**  
(e.g., puts, calls, warrants, options, convertible securities)

| 1. Title of Derivative Security (Instr. 3) | 2. Conversion or Exercise Price of Derivative Security | 3. Transaction Date (Month/Day/Year) | 3A. Deemed Execution Date, if any (Month/Day/Year) | 4. Transaction Code (Instr. 8) | 5. Number of Derivative Securities Acquired (A) or Disposed of (D) (Instr. 3, 4, and 5) | 6. Date Exercisable and Expiration Date (Month/Day/Year) | 7. Title and Amount of Underlying Securities (Instr. 3 and 4) | 8. Price or Amount of Securities (Instr. 3 and 4) |
|--|--|--------------------------------------|--|--------------------------------|---|--|---|---|
| Stock Option (Right to Buy)                | \$ 0.63  | 09/28/2006                           |  | M                              | 208   | <sup>(3)</sup> 01/15/2013                                | Common Stock 208  | \$  |
| Stock Option (Right to Buy)                | \$ 0.63  | 09/28/2006                           |  | M                              | 792   | <sup>(4)</sup> 09/26/2011                                | Common Stock 792  | \$  |

## Reporting Owners

| Reporting Owner Name / Address                                      | Relationships |           |                           |       |
|---|---------------|-----------|---------------------------|-------|
|   | Director      | 10% Owner | Officer                   | Other |
| Spangler Jonathan<br>4545 TOWNE CENTRE COURT<br>SAN DIEGO, CA 92121 |               |           | VP & Chief Patent Counsel |       |

## Signatures

/s/ Jason Hannon,  
Attorney-in-fact  
09/29/2006

\*\*Signature of Reporting Person Date

## Explanation of Responses:

- \* If the form is filed by more than one reporting person, see Instruction 4(b)(v).
  - \*\* Intentional misstatements or omissions of facts constitute Federal Criminal Violations. See 18 U.S.C. 1001 and 15 U.S.C. 78ff(a).
- (1) The shares sold were acquired contemporaneously upon the cashless exercise of a stock option at an exercise price of \$0.63 per share.

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- (2) The sale reported on this Form 4 was effected pursuant to a Rule 10b5-1 trading plan adopted by the Reporting Person on March 10, 2006.
- The option is immediately exercisable, but shares purchased upon exercise of such option are subject to repurchase by the Issuer at the option exercise price in the event the Reporting Person's services to the Issuer terminate prior to the date the shares vest. 25% of the total shares subject to the option vested on January 15, 2004, which was the first anniversary of the date of grant; the remaining shares vest in 36 equal monthly installments thereafter.
- (3) The option is immediately exercisable, but shares purchased upon exercise of such option are subject to repurchase by the Issuer at the option exercise price in the event the Reporting Person's services to the Issuer terminate prior to the date the shares vest. 25% of the total shares subject to the option vested on September 26, 2002, which was the first anniversary of the date of grant; the remaining shares vest in 36 equal monthly installments thereafter.
- (4) The option is immediately exercisable, but shares purchased upon exercise of such option are subject to repurchase by the Issuer at the option exercise price in the event the Reporting Person's services to the Issuer terminate prior to the date the shares vest. 25% of the total shares subject to the option vested on September 26, 2002, which was the first anniversary of the date of grant; the remaining shares vest in 36 equal monthly installments thereafter.

Note: File three copies of this Form, one of which must be manually signed. If space is insufficient, *see* Instruction 6 for procedure. Potential persons who are to respond to the collection of information contained in this form are not required to respond unless the form displays a currently valid OMB number.