

NUVASIVE INC  
Form 4  
November 10, 2004

**FORM 4**

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

OMB APPROVAL

OMB Number: 3235-0287  
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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 \*  
**LACOB JOSEPH**

(Last) (First) (Middle)

**C/O KLEINER PERKINS  
CAUFIELD & BYERS, 2750 SAND  
HILL ROAD**

(Street)

**MENLO PARK, CA 94025**

(City) (State) (Zip)

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

3. Date of Earliest Transaction  
(Month/Day/Year)  
**11/09/2004**

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)

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 Indirect Beneficial Ownership (Instr. 4) |
|---------------------------------|--------------------------------------|--|--------------------------------|---|---|--|---|
|                                 |                                      |  | Code                           | V   | Amount  | (A) or (D)   | Price   |
| Common Stock                    | 11/09/2004                           |  | J                              |   | 23,125  | A  | \$ 9.41   |
| Common Stock                    | 11/09/2004                           |  | J                              |   | 5,908   | A  | \$ 9.41   |
| Common Stock                    | 11/09/2004                           |  | J                              |   | 463,347   | D  | \$ 9.41   |
| Common Stock                    | 11/09/2004                           |  | J                              |   | 26,864  | D  | \$ 9.41   |
|                                 |                                      |  |                                |   |   |  | 23,125  |
|                                 |                                      |  |                                |   |   |  | 5,908   |
|                                 |                                      |  |                                |   |   |  | 1,666,618   |
|                                 |                                      |  |                                |   |   |  | 96,627  |
|                                 |                                      |  |                                |   |   | D  |   |
|                                 |                                      |  |                                |   |   | I  |   |
|                                 |                                      |  |                                |   |   | I  |   |
|                                 |                                      |  |                                |   |   | I  |   |
|                                 |                                      |  |                                |   |   |  | By Lacob Trust  |
|                                 |                                      |  |                                |   |   |  | By "KPCB VIII" <sup>(1)</sup>                         |
|                                 |                                      |  |                                |   |   |  | By "KPCB VIII FF"                                     |

|              |            |   |       |   |         |        |   |                           |
|--------------|------------|---|-------|---|---------|--------|---|---------------------------|
| Common Stock | 11/09/2004 | J | 9,789 | D | \$ 9.41 | 35,211 | I | (1)<br>By "KPCB Life" (1) |
|--------------|------------|---|-------|---|---------|--------|---|---------------------------|

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

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**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 of Derivative Security (Instr. 5) | 9. Number of Derivative Securities Owned Following Transaction (Instr. 5) |
|--|--|--------------------------------------|--|--------------------------------|---|--|---|--|---|
|--|--|--------------------------------------|--|--------------------------------|---|--|---|--|---|

## Reporting Owners

**Reporting Owner Name / Address**

**Relationships**

Director    10% Owner    Officer    Other

LACOB JOSEPH  
C/O KLEINER PERKINS CAUFIELD & BYERS  
2750 SAND HILL ROAD  
MENLO PARK, CA 94025

X

## Signatures

Joseph S. Lacob                      11/10/2004

\_\_Signature of                      Date  
Reporting Person

## 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) Mr. Lacob is a general partner of KPCB VIII Associates, L.P., a CA limited partnership ("KPCB VIII Associates"). KPCB VIII Associates is the general partner of Kleiner Perkins Caufield & Byers VIII, L.P., a CA limited partnership ("KPCB VIII") and KPCB VIII

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Founders Fund L.P., a CA limited partnership ("KPCB VIII FF"). Mr. Lacob is also a general partner of KPCB VII Associates, L.P., a CA limited partnership ("KPCB VII Associates"). KPCB VII Associates is the general partner of KPCB Life Sciences Zaibatsu Fund II, L.P., a CA limited partnership ("KPCB Life"). Mr. Lacob disclaims beneficial ownership of the shares of the Issuer's common stock held directly by KPCB VIII, KPCB VIII FF, KPCB Life and the Lacob Trust, except to the extent of any indirect pecuniary interest in his distributive share therein.

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.