

NUVASIVE INC
Form 8-K
September 23, 2008

Table of Contents

**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 9, 2008
NUVASIVE, INC.
(Exact name of registrant as specified in its charter)**

Delaware

000-50744

33-0768598

(State or Other Jurisdiction of
Incorporation)

(Commission File
Number)

(I.R.S. Employer
Identification Number)

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))
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TABLE OF CONTENTS

Item 8.01 Other Events
SIGNATURES

Table of Contents

Item 8.01 Other Events

Between September 9, 2008 and September 12, 2008, each of the following individuals, each a named executive officer of NuVasive, Inc. (NuVasive), adopted a stock trading plan for trading in NuVasive s common stock, currently held or issuable upon the exercise of stock options, in accordance with the guidelines specified by the Securities and Exchange Commission s Rule 10b5-1 under the Securities Exchange Act of 1934: Keith Valentine, NuVasive s President and Chief Operating Officer; Kevin C. O Boyle, NuVasive s Executive Vice President and Chief Financial Officer; and Jeff Rydin, NuVasive s Senior Vice President of U.S. Sales. Each of these individuals will file Forms 4 evidencing sales under their stock trading plan as required under Section 16 of the Securities Exchange Act of 1934. This type of trading plan allows a corporate insider to gradually diversify holdings of company stock while minimizing any market effects of such trades by spreading them out over an extended period of time and eliminating any market concern that such trades were made by a person while in possession of material nonpublic information. Consistent with Rule 10b5-1, NuVasive s insider trading policy permits personnel to implement Rule 10b5-1 trading plans provided that, among other things, such personnel are not in possession of any material nonpublic information at the time they adopt such plans.

Pursuant to the stock trading plan adopted by Mr. Valentine, commencing in December 2008, he will sell 5,000 shares each month if the stock is above a prearranged minimum price, and may sell up to 10,000 shares each month based on increasing price levels. Pursuant to the stock trading plan adopted by Mr. O Boyle, commencing in December 2008, he will sell 6,000 shares each month if the stock is above a prearranged minimum price. Pursuant to the stock trading plan adopted by Mr. Rydin, commencing in December 2008, he will sell 3,000 shares each month if the stock is above a prearranged minimum price, and may sell up to 6,000 shares each month based on increasing price levels.

Under each of these plans, the plan s agent will undertake to sell specified numbers of shares each month if the stock trades above the prearranged minimum prices. The individual stockholder will have no control over the timing of any sales under the plan and there is no assurance that any shares will be sold. Sales under each of these plans will take effect in December 2008 upon the expiration of their existing Rule 10b5-1 trading plans, and will continue for one year.

Table of Contents

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 22, 2008

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

-3-