

NUVASIVE INC
Form 3
December 23, 2004

FORM 3 UNITED STATES SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549

OMB APPROVAL

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INITIAL STATEMENT OF 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 * | | 2. Date of Event Requiring Statement | 3. Issuer Name and Ticker or Trading Symbol | |
| Â Spangler Jonathan | | (Month/Day/Year) | NUVASIVE INC [NUVA] | |
| (Last) | (First) | (Middle) | 4. Relationship of Reporting Person(s) to Issuer | 5. If Amendment, Date Original Filed(Month/Day/Year) |
| | | 12/17/2004 | | |
| 10065 OLD GROVE ROAD | | | (Check all applicable) | |
| (Street) | | | <input type="checkbox"/> Director <input type="checkbox"/> 10% Owner <input checked="" type="checkbox"/> Officer <input type="checkbox"/> Other (give title below) (specify below) VP & Chief Patent Counsel | |
| SAN DIEGO,Â CAÂ 92131 | | | 6. Individual or Joint/Group Filing(Check Applicable Line) | |
| (City) | (State) | (Zip) | <input checked="" type="checkbox"/> Form filed by One Reporting Person <input type="checkbox"/> Form filed by More than One Reporting Person | |

Table I - Non-Derivative Securities Beneficially Owned

| 1. Title of Security (Instr. 4) | 2. Amount of Securities Beneficially Owned (Instr. 4) | 3. Ownership Form: Direct (D) or Indirect (I) (Instr. 5) | 4. Nature of Indirect Beneficial Ownership (Instr. 5) |
|------------------------------------|--|---|--|
| Common Stock | 26,984 | D | Â |

Reminder: Report on a separate line for each class of securities beneficially owned directly or indirectly. SEC 1473 (7-02)

Persons who respond to the collection of information contained in this form are not required to respond unless the form displays a currently valid OMB control number.

Table II - Derivative Securities Beneficially Owned (e.g., puts, calls, warrants, options, convertible securities)

| 1. Title of Derivative Security (Instr. 4) | 2. Date Exercisable and Expiration Date (Month/Day/Year) | 3. Title and Amount of Securities Underlying Derivative Security (Instr. 4) | 4. Conversion or Exercise Price of Derivative Security | 5. Ownership Form of Derivative Security: Direct (D) or Indirect | 6. Nature of Indirect Beneficial Ownership (Instr. 5) |
|---|---|--|--|--|--|
| | Date Exercisable | Expiration Date | Title | Amount or Number of | |

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| | | | | Shares | | (I) (Instr. 5) | |
|-----------------------------|---------------------------|------------|--------------|--------|---------|-------------------|---|
| Stock Option (Right to Buy) | 09/26/2002 ⁽¹⁾ | 09/26/2011 | Common Stock | 15,833 | \$ 0.63 | D | Â |
| Stock Option (Right to Buy) | 01/16/2003 ⁽¹⁾ | 01/16/2012 | Common Stock | 19,949 | \$ 0.63 | D | Â |
| Stock Option (Right to Buy) | 01/15/2004 ⁽¹⁾ | 01/15/2013 | Common Stock | 10,000 | \$ 0.63 | D | Â |
| Stock Option (Right to Buy) | 01/02/2005 ⁽¹⁾ | 01/02/2014 | Common Stock | 12,000 | \$ 3.75 | D | Â |
| Stock Option (Right to Buy) | Â ⁽²⁾ | 10/19/2014 | Common Stock | 15,000 | \$ 9.5 | D | Â |
| Stock Option (Right to Buy) | Â ⁽³⁾ | 12/16/2014 | Common Stock | 25,000 | \$ 9.5 | D | Â |

Reporting Owners

| Reporting Owner Name / Address | Relationships | | | |
|--|---------------|-----------|-----------------------------|-------|
| | Director | 10% Owner | Officer | Other |
| Spangler Jonathan 10065 OLD GROVE ROAD SAN DIEGO, CA 92131 | Â | Â | Â VP & Chief Patent Counsel | Â |

Signatures

/s/ Jonathan Spangler 12/21/2004

 **Signature of Reporting Person Date

Explanation of Responses:

- * If the form is filed by more than one reporting person, *see* Instruction 5(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).
- The option is immediately exercisable, but shares purchased under such option are subject to repurchase by the Issuer at the option exercise price, upon the Reporting Person's termination of service to the Issuer prior to vesting in these shares. 25% of the option shares vest on such date with the remaining option shares vesting in 36 equal monthly installments thereafter.
- (1) This option vests and become exercisable with respect to 25% of the total number of underlying shares on the first anniversary of the grant date (10/20/04) with the remaining option shares vesting in 36 equal monthly installments thereafter.
 - (2) This option vests and become exercisable with respect to 25% of the total number of underlying shares on the first anniversary of the grant date (12/17/04) with the remaining option shares vesting 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.