

OBOYLE KEVIN C  
 Form 4  
 November 16, 2009

**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 \*  
**OBOYLE KEVIN C**

(Last) (First) (Middle)  
 7475 LUSK BLVD.  
 (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)  
 11/12/2009

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)  
 CFO and Executive VP

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                    | 11/12/2009                           |                                                    | M                              |                                                                   | 5,258 A \$ 18.31                                                                              | 8,596                                                    | D                                                     |
| Common Stock                    | 11/12/2009                           |                                                    | F                              |                                                                   | 2,456 (1) D \$ 39.21                                                                          | 6,140                                                    | D                                                     |
| Common Stock (2)                | 11/13/2009                           |                                                    | S(3)                           |                                                                   | 2,802 D \$ 39.7175                                                                            | 3,338                                                    | D                                                     |
| Common Stock                    | 11/12/2009                           |                                                    | M                              |                                                                   | 742 A \$ 23.24                                                                                | 4,080                                                    | D                                                     |
| Common Stock                    | 11/12/2009                           |                                                    | F                              |                                                                   | 576 (4) D \$ 39.21                                                                            | 3,504                                                    | D                                                     |

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Common Stock <sup>(2)</sup> 11/13/2009 S<sup>(3)</sup> 166 D \$ 39.7175 3,338 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. Amount or Number of Shares |
|--------------------------------------------|--------------------------------------------------------|--------------------------------------|----------------------------------------------------|--------------------------------|-----------------------------------------------------------------------------------------|----------------------------------------------------------|---------------------------------------------------------------|-------------------------------|
| Stock Option (Right to Buy)                | \$ 18.31                                               | 11/12/2009                           |                                                    | M                              | 5,258                                                                                   | <sup>(5)</sup> 01/03/2016                                | Common Stock                                                  | 5,258                         |
| Stock Option (Right to Buy)                | \$ 23.24                                               | 11/12/2009                           |                                                    | M                              | 742                                                                                     | <sup>(6)</sup> 01/16/2017                                | Common Stock                                                  | 742                           |

## Reporting Owners

| Reporting Owner Name / Address                           | Relationships |           |                      |       |
|----------------------------------------------------------|---------------|-----------|----------------------|-------|
|                                                          | Director      | 10% Owner | Officer              | Other |
| OBOYLE KEVIN C<br>7475 LUSK BLVD.<br>SAN DIEGO, CA 92121 |               |           | CFO and Executive VP |       |

## Signatures

/s/ Kevin C. O'Boyle 11/16/2009

\*\*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) Shares withheld at the election of the Reporting Person to satisfy payment of the option exercise price in connection with an exercise of a stock option granted in January 2006.
  - (2) The shares sold were acquired upon the net exercise of a stock option.
  - (3) The sale reported on this Form 4 was effected pursuant to a Rule 10b5-1 trading plan adopted by the Reporting Person on September 9, 2008.
  - (4) Shares withheld at the election of the Reporting Person to satisfy payment of the option exercise price in connection with an exercise of a stock option granted in January 2007.
  - (5) 25% of the total shares subject to the option vested on January 3, 2007, which was the first anniversary of the date of the grant; the remaining shares vest in 36 equal monthly installments thereafter.
  - (6) 25% of the total shares subject to the option vested on January 16, 2008, which was the first anniversary of the date of the 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.