Spangler Jonathan Form 4 October 26, 2006

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

STATEMENT OF CHANGES IN BENEFICIAL OWNERSHIP OF

**SECURITIES** 

**OMB APPROVAL OMB** 3235-0287 Number:

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Check this box

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 may continue. 30(h) of the Investment Company Act of 1940 See Instruction

(Print or Type Responses)

1(b).

1. Name and Address of Reporting Person \* 5. Relationship of Reporting Person(s) to 2. Issuer Name and Ticker or Trading Spangler Jonathan Issuer Symbol NUVASIVE INC [NUVA] (Check all applicable) (Last) (First) (Middle) 3. Date of Earliest Transaction (Month/Day/Year) Director 10% Owner \_X\_\_ Officer (give title \_ \_ Other (specify 4545 TOWNE CENTRE COURT 10/26/2006 below) VP & Chief Patent Counsel (Street) 4. If Amendment, Date Original 6. Individual or Joint/Group Filing(Check Filed(Month/Day/Year) Applicable Line) \_X\_ Form filed by One Reporting Person Form filed by More than One Reporting SAN DIEGO, CA 92121 Person

(City) (State) (Zip) Tal				ole 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. Transactio Code (Instr. 8)	ransaction(A) or Disposed of (D) code (Instr. 3, 4 and 5)			Securities Beneficially Owned (	6. Ownership Form: Direct (D) or Indirect (I)	7. Nature of Indirect Beneficial Ownership (Instr. 4)	
				Code V	Amount	(A) or (D)	Price	Reported Transaction(s) (Instr. 3 and 4)	(Instr. 4)		
	Common Stock (1)	10/26/2006		M	208	A	\$ 0.63	5,298	D		
	Common Stock (1)	10/26/2006		S(2)	208	D	\$ 24.074	5,090	D		
	Common Stock (1)	10/26/2006		M	792	A	\$ 0.63	5,882	D		
	Common Stock (1)	10/26/2006		S(2)	792	D	\$ 24.074	5,090	D		

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

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SEC 1474 (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. Transacti Code (Instr. 8)			6. Date Exercisable and Expiration Date (Month/Day/Year)		7. Title and Amount of Underlying Securities (Instr. 3 and 4)		8. Pri Deriv Secur (Instr
				Code V	(A)	(D)	Date Exercisable	Expiration Date	Title	Amount or Number of Shares	
Stock Option (Right to Buy)	\$ 0.63	10/26/2006		M		208	(3)	01/15/2013	Common Stock	208	\$
Stock Option (Right to Buy)	\$ 0.63	10/26/2006		M		792	<u>(4)</u>	09/26/2011	Common Stock	792	\$

# **Reporting Owners**

Reporting Owner Name / Address Relationships

Director 10% Owner Officer Other

Spangler Jonathan

4545 TOWNE CENTRE COURT VP & Chief Patent Counsel

SAN DIEGO, CA 92121

## **Signatures**

/s/ Jason Hannon, Attorney-in-fact

\*\*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.

Reporting Owners 2

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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.
- 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.