

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LEXION MEDICAL, LLC.,)	
)	
Plaintiff)	
)	
v.)	CIVIL ACTION NO. 04-CV-5705
)	Hon. Charles P. Kocoras
)	
NORTHGATE TECHNOLOGIES, INC.,)	
SMITH & NEPHEW, INC. and)	
LINVATEC CORPORATION)	
)	
Defendants)	

SECOND JOINT MOTION TO ENTER FINAL JUDGMENT

Lexion Medical, LLC (Lexion) and Northgate Technologies, Inc., Smith & Nephew, Inc., and Linvatec Corporation (collectively, Defendants) hereby move the Court to enter a final judgment in this matter. This Court granted summary judgment of infringement on April 27, 2009. At a status hearing on June 18, 2009, this Court made further rulings that restrict the scope of the injunction. Specifically, this Court ruled in favor of Northgate with respect to the differences between the parties that are reflected in the June 5th Joint Motion to Enter Final Judgment. The parties agree that a final judgment may be entered in this matter consistent with the summary judgment, the rulings at the June 18 hearing, and the mandate of the Court of Appeals for the Federal Circuit in its August 28, 2008 opinion in this matter.

The parties agree on the terms of the final judgment, taking into account this Court's rulings. The "Proposed Order of Final Judgment" attached as Exhibit A includes the agreed-upon language. The parties respectfully request this Court to enter a final judgment in this matter in the form of Exhibit A.

DATED: July 7, 2009

Respectfully submitted,

/s/ David G. Wille

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NORTHGATE TECHNOLOGIES, INC.
SMITH & NEPHEW, INC.
LINVATEC CORPORATION**

CERTIFICATE OF SERVICE

This document was served in compliance with the agreements between counsel in the case on July 7, 2009.

/s David G. Wille

David G. Wille