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 STRYKER CORPORATION AND STRYKER
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7 **[ADDITIONAL COUNSEL
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 13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 SAN FRANCISCO DIVISION

16
 17 KARL STORZ ENDOSCOPY-AMERICA, INC.,

18 Plaintiff,

19 vs.

20 STRYKER CORPORATION and STRYKER
 21 COMMUNICATIONS, INC.,

22 Defendants.

23 AND RELATED COUNTERCLAIMS
 24

Case No. C 09-0355 (WHA)

**STIPULATION AND ~~PROPOSED~~
 ORDER IDENTIFYING CLAIM PHRASES
 AND SETTING CLAIM CONSTRUCTION
 BRIEFING SCHEDULE**

Honorable William Alsup

1 Plaintiff Karl Storz Endoscopy-America, Inc. ("KSEA") and Defendants Stryker Corporation
2 and Stryker Communications, Inc. (collectively "Stryker"), through their respective counsel of
3 record, hereby stipulate to and jointly request the Court as follows:

4 1. The Case Management Order dated January 27, 2011 (Doc # 249) directs the parties
5 to "isolate no more than six phrases in all claims at issue and limit the hearing to those phrases," and
6 directs counsel for the parties to "meet and confer and propose a briefing schedule leading up to the
7 hearing." The Case Management Order further directs the parties to jointly file a proposed briefing
8 schedule by February 17, 2011.

9 **In light of**
10 2. ~~Upon entry of~~ the parties' stipulated dismissal of U.S. Patent No. 6,824,539 (*see* Doc
11 # 251), only two patents ~~will~~ remain at issue in this action: U.S. Patent No. 5,788,688 ("the '688
12 patent") and U.S. Patent No. 6,397,286 ("the '286 patent").

13 3. Additionally, the parties have stipulated to the construction of a previously disputed
14 claim term of the '688 patent as follows:

Claim Term	Construction
display means for displaying data relating to the output to each of the surgical instruments	panel display for displaying data relating to status of each of the plurality of self-contained pieces of surgical equipment

18 4. In view of the foregoing, and pursuant to the Case Management Order, KSEA and
19 Stryker jointly identify the following six phrases for the claim construction hearing:

- 20 i. "a surgeon's operating station at which a surgical procedure is performed" (the
21 '688 patent at claims 1, 10)
- 22 ii. "a surgeon's control panel operatively positioned at the surgeon's operating
23 station" (the '688 patent at claims 1, 10)
- 24 iii. "whereby each of the plurality of self-contained pieces of surgical equipment
25 can be simultaneously operated with the operation thereof controlled and monitored
26 from the surgeon's operating station" (the '688 patent at claims 1, 10)
- 27 iv. "input means for receiving commands entered manually" (the '688 patent at
28

claims 1, 10)

v. "self-configuring bus" (the '286 patent at claim 1)

vi. "whenever a said instrument is either newly connected or is disconnected from said bus without interruption of the operation of the system" (the '286 patent at claim 1)

5. Also pursuant to the Case Management Order, KSEA and Stryker jointly propose the following schedule and page limits for claim construction briefing leading up to the claim construction hearing:

i. KSEA and Stryker will each submit opening claim construction briefs and any supporting documents by March 11, 2011. Opening claim construction briefs will be limited to no more than 25 pages each.

ii. KSEA and Stryker will each submit responsive claim construction briefs and any supporting documents by March 25, 2011. Responsive claim construction briefs will be limited to no more than 15 pages each.

IT IS SO STIPULATED.

Dated: February 17, 2011

Respectfully submitted,

/s/ Alfredo Bismonte

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Dated: February 17, 2011

Respectfully submitted,

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CERTIFICATION

I hereby attest that concurrence in the filing of this document has been obtained from the above named signatories.

DATED: February 17, 2011

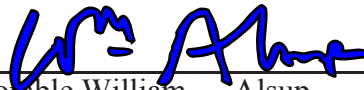
REED SMITH LLP

By /s/ William R. Overend
William R. Overend
Attorneys for Defendants
Stryker Corporation and
Stryker Communications, Inc.

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: February 17, 2011., 2011


Honorable William Alsup
United States District Judge