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October 29, 2009

## **VIA HAND DELIVERY**

Magistrate Judge Bernard Zimmerman  
U.S. District Court for the Northern District of California  
Courtroom G, 15th Floor  
450 Golden Gate Avenue  
San Francisco, CA 94102

**Re: In the Matter of the Arbitration between ArthroCare Corp. and Ethicon, Inc., et al. (Case No: C 09-03216 SBA)**

Dear Judge Zimmerman:

Petitioner ArthroCare Corporation ("ArthroCare") and Respondents Gyrus Medical, Ltd., Gyrus Group, PLC, Ethicon, Inc., and Depuy Mitek, Inc. (collectively "Respondents") are actively engaged in settlement discussions and have exchanged draft settlement documents. In light of these settlement discussions, and in response to the Clerk's Notice regarding Tentative Ruling, dated October 23, 2009, the parties jointly request that the Court continue (1) the hearing scheduled for November 4, 2009 until Thursday, November 12, 2009 (if the Court deems that a hearing is warranted) and (2) the date for Respondents to submit a revised writ of attachment in conformity with the Tentative Ruling from today until November 11, 2009. These extensions may enable the parties to resolve the Motion to Attach, and this entire proceeding, without requiring additional judicial resources other than entry of a stipulated judgment.

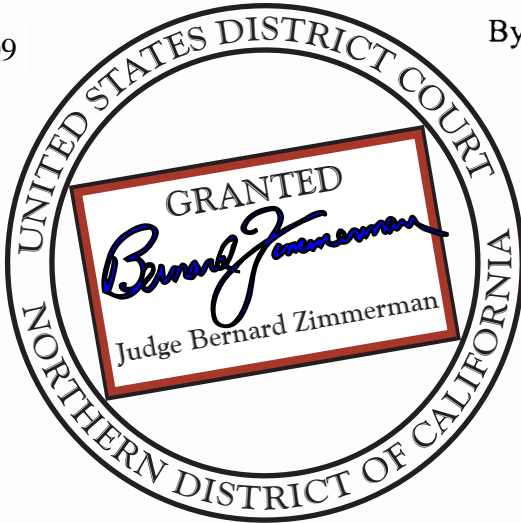
If the Court is not inclined to continue the hearing, ArthroCare requests the opportunity to appear for oral argument on November 4, while Respondents respectfully submit that a hearing on the merits of the Motion to Attach is not necessary and that the Tentative Ruling should issue as a final order. Respondents also note that they are prepared to submit the revised version of the writ that the Court requested, and will do so immediately if the Court denies the extension of its due date.

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Sincerely,  
WEIL, GOTSHAL & MANGES LLP

Dated: 10/30/2009

By: Kevin Kudlac by permission  
Kevin Kudlac  
Brian C. Chang  
Brian Chang



**The hearing is continued to Wednesday, November 18, 2009 at 10:00 a.m.**