

1 Simon J. Frankel, SB #171552 (sfrankel@cov.com)  
 COVINGTON & BURLING LLP  
 2 One Front Street  
 San Francisco, CA 94111  
 3 Telephone: (415) 591-7052  
 Facsimile: (415) 591-6091  
 4 Attorney for Respondents  
 ETHICON, INC. and DEPUY MITEK, INC.

5  
 6 Susan van Keulen, SB #136060  
 (svankeulen@omm.com)  
 O'MELVENY & MYERS LLP  
 7 2765 Sand Hill Road  
 8 Menlo Park, CA 94025  
 Telephone: (650) 473-2600  
 9 Facsimile: (650) 473-2601  
 Attorneys for Respondents  
 10 GYRUS MEDICAL, LTD. and GYRUS GROUP,  
 PLC

11  
 12 JARED BOBROW (Bar No. 133712)  
 jared.bobrow@weil.com  
 WEIL, GOTSHAL & MANGES LLP  
 13 Silicon Valley Office  
 201 Redwood Shores Parkway  
 14 Redwood Shores, CA 94065  
 Telephone: (650) 802-3000  
 15 Facsimile: (650) 802-3100

16 Attorneys for Petitioner  
 17 ARTHROCARE CORPORATION

18 **UNITED STATES DISTRICT COURT**  
 19 **NORTHERN DISTRICT OF CALIFORNIA**  
 20 **OAKLAND DIVISION**

21 In the matter of the Arbitration between  
 22 ARTHROCARE CORPORATION  
 23 Petitioner,  
 24 and  
 25 ETHICON, INC., DEPUY MITEK, INC.,  
 26 GYRUS MEDICAL, LTD., and GYRUS  
 27 GROUP, PLC.  
 Respondents.

CASE NO. CV 09-3216 SBA (BZ)

**[PROPOSED] ORDER REGARDING  
 JOINT STIPULATION TO (1) DISMISS  
 WITH PREJUDICE PETITION TO  
 VACATE, (2) GRANT MOTION TO  
 CONFIRM AND (3) ENTER JUDGMENT**

Judge: Sandra B. Armstrong

28 **[PROPOSED] ORDER**

[PROPOSED] ORDER REGARDING JOINT STIPULATION TO  
 DISMISS WITH PREJUDICE PETITION TO VACATE, GRANT  
 MOTION TO CONFIRM, AND ENTER JUDGMENT

Case No. CV 09-3216 SBA (BZ)

1           Upon consideration of the Joint Stipulation to Dismiss With Prejudice Petition to  
2 Vacate, Grant Motion to Confirm and Enter Judgment that was filed jointly by Ethicon, Inc.,  
3 DePuy Mitek, Inc., Gyrus Medical Ltd., Gyrus Group, PLC and ArthroCare Corporation, it is  
4 hereby:

5           ORDERED that ArthroCare's First Amended Petition to Vacate or Modify  
6 Arbitration Award and to Stay Enforcement of Award (Dkt. No. 31) is hereby DISMISSED  
7 WITH PREJUDICE.

8           It is further ORDERED that Respondents' Motion to Confirm Arbitral Award and  
9 to Dismiss Petition (Dkt. No. 17) is hereby GRANTED, the Final Award of the arbitration panel  
10 is CONFIRMED and Ethicon, Inc., DePuy Mitek, Inc., Gyrus Medical Ltd., Gyrus Group, PLC  
11 shall have judgment against ArthroCare Corporation in the amount of \$16,687,565.00.

12           It is further ORDERED that all costs, expenses and attorney fees are to be borne  
13 by the party that incurred them, subject to the parties' agreement.

14  
15           IT IS SO ORDERED.

16  
17 Date: 12/24/09

  
HON. SAUNDRA B. ARMSTRONG  
U.S. DISTRICT COURT JUDGE