

1 BETH M. GOLDMAN (State Bar No. 118341)
 HELLER EHRMAN LLP
 2 333 Bush Street
 San Francisco, California 94104
 3 Telephone: (415) 772-6000
 4 Facsimile: (415) 772-6268
 E-mail: beth.goldman@hellerehrman.com

5 Attorneys for Plaintiff
 6 SPOTLIGHT SURGICAL, INC.

7
 8 DANIEL JOHNSON, JR. (State Bar No. 57409)
 DIANE MASON (State Bar No. 168202)
 MORGAN, LEWIS & BOCKIUS LLP
 9 One Market, Spear Street Tower
 San Francisco, CA 94105-1126
 10 Telephone: (415) 442-1000
 Facsimile: (415) 442-1001
 11 E-mail: djjohnson@morganlewis.com
 dmason@morganlewis.com

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 13 Attorneys for Defendants
 DEPUY, INC. and DEPUY SPINE, INC.

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 15 **UNITED STATES DISTRICT COURT**
 16 **NORTHERN DISTRICT OF CALIFORNIA**
 17 **SAN JOSE DIVISION**

18 SPOTLIGHT SURGICAL, INC.,

19 Plaintiff,

20 v.

21 DEPUY, INC. and DEPUY SPINE, INC.,

22 Defendants.

Case No. C-07-03362 JF RS

23 **PLAINTIFF'S AND DEFENDANTS'**
JOINT STIPULATION AND
[PROPOSED] ORDER REGARDING
DISMISSAL OF CLAIMS WITH
PREJUDICE

24 Judge: Hon. Jeremy Fogel

1 Pursuant to Rule 41 of the Federal Rules of Civil Procedure, Plaintiff Spotlight
2 Surgical, Inc. and Defendants DePuy, Inc. and DePuy Spine, Inc., having resolved their
3 disputes and executed a settlement agreement and mutual general release, HEREBY
4 STIPULATE and agree, through their respective counsel, as follows:

5 1. The Plaintiff and the Defendants have resolved all of the claims asserted in
6 the Complaint, and have executed a Settlement Agreement and mutual general release.

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8 2. The parties have agreed that each party shall bear its own attorney's fees and
9 costs incurred in connection with this action.

10 3. Plaintiff and Defendants jointly request that the Court dismiss the action with
11 prejudice.

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Respectfully submitted,

Dated: September 24, 2008

HELLER EHRMAN LLP

By /S/ BETH M. GOLDMAN
Beth M. Goldman

Attorneys for Plaintiff SPOTLIGHT
SURGICAL, INC.

Dated: September 24, 2008

MORGAN, LEWIS & BOCKIUS LLP

By /S/ DIANE MASON
Diane Mason

Attorneys for Defendants DEPUY, INC. and
DEPUY SPINE, INC.

The parties having resolved their disputes and executed a Settlement Agreement and mutual general release, and good cause appearing, it is hereby ORDERED that this action is dismissed with prejudice, as is consistent with the foregoing joint stipulation of the parties.

IT IS SO ORDERED.

Dated: 9/26/08



The Honorable Jeremy Fogel
United States District Judge