

1 SIDLEY AUSTIN LLP
 2 JEFFREY M. OLSON (SBN 104074) *jolson@sidley.com*
 3 PAUL H. MEIER (SBN 115999) *pmeier@sidley.com*
 4 SAMUEL N. TIU (SBN 216291) *stiu@sidley.com*
 5 MATTHEW S. JORGENSEN (SBN 229131) *mjorgenson@sidley.com*
 555 W. Fifth Street, Suite 4000
 Los Angeles, California 90013
 (213) 896-6000 phone
 (213) 896-6600 fax

6 Attorneys for Plaintiffs
 7 SYNTHES USA, LLC (f/k/a SYNTHES (U.S.A.));
 8 SYNTHES USA SALES, LLC; and SYNTHES, INC.

9 ORRICK, HERRINGTON & SUTCLIFFE LLP
 10 JAMES W. GERIAK (SBN 32871) *jgeriak@orrick.com*
 11 ROBERT W. DICKERSON (SBN 89367) *rdickerson@orrick.com*
 12 ALLAN W. JANSEN (SBN 81992) *ajansen@orrick.com*
 13 KURT T. MULVILLE (SBN 149218) *kmulville@orrick.com*
 14 ANDRE DE LA CRUZ *adelacruz@orrick.com*
 4 Park Plaza, Suite 1600
 Irvine, California 92614
 (949) 567-6700 phone
 (949) 567-6710 fax

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15 Attorneys for Defendant
 16 SPINAL KINETICS, INC.

17 UNITED STATES DISTRICT COURT
 18 NORTHERN DISTRICT OF CALIFORNIA
 19 SAN JOSE DIVISION

18	SYNTHES USA, LLC (f/k/a SYNTHES)	Case No. C-09-01201-RMW
19	(U.S.A.)); SYNTHES USA SALES, LLC;)	
20	and SYNTHES, INC.)	Assigned to: Hon. Ronald M. Whyte
21)	
22	Plaintiffs,)	STIPULATION AND []
23)	ORDER REGARDING BRIEFING
24	v.)	SCHEDULE AND HEARING FOR SPINAL
25)	KINETICS' MOTION FOR SUMMARY
26	SPINAL KINETICS, INC.,)	JUDGMENT
27)	
28	Defendant.)	

1 On September 13, 2010, Defendant Spinal Kinetics, Inc. ("Spinal Kinetics") filed a Motion
2 for Summary Judgment of Non-infringement of Claims 29-31 of U.S. Patent No. 7,429,270 by
3 Lumbar Disc of Spinal Kinetics ("Motion"). Dkt. 98.

4 The parties have discussed and agreed to a briefing schedule and hearing date for Spinal
5 Kinetics' Motion that should accommodate the various discovery activities currently ongoing,
6 including the deposition of Michael Reo who provided a declaration in support of Spinal Kinetics'
7 Motion.

8 IT IS HEREBY STIPULATED by and between the parties, through their counsel, that:

9 (1) Synthes shall file its Opposition to Spinal Kinetics' Motion by November 5, 2010;

10 (2) Spinal Kinetics shall file its Reply to Synthes' Opposition by November 19, 2010;

11 (3) The hearing date for Spinal Kinetics' Motion is scheduled for December 3, 2010 [or
12 thereafter on a date available to the Court].

13
14 SO ORDERED, this 5 day of October 2010.

15 

16 HONORABLE RONALD M. WHYTE
17 UNITED STATES DISTRICT COURT JUDGE

18 Agreed to and submitted by:

19 SIDLEY AUSTIN LLP

20 Dated: September 22, 2010

21 By: /s/ Samuel N. Tiu
22 Samuel N. Tiu, Esq.
23 Attorneys for Plaintiffs
24 SYNTHES USA, LLC (f/k/a SYNTHES (U.S.A.));
25 SYNTHES USA SALES, LLC; and SYNTHES, INC.

26 ORRICK, HERRINGTON & SUTCLIFFE LLP

27 Dated: September 22, 2010

28 By: /s/ Andre De La Cruz
Andre De La Cruz, Esq.
Attorneys for Defendant
SPINAL KINETICS, INC.

1 Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under penalty
2 of perjury that concurrence in the filing of this document has been obtained from Andre De La Cruz.

3
4 Dated: September 22, 2010

By: /s/ Samuel N. Tiu
Samuel N. Tiu, Esq.
Attorneys for Plaintiffs
SYNTHES USA, LLC (f/k/a SYNTHES (U.S.A.));
SYNTHES USA SALES, LLC; and SYNTHES, INC.