

1 James W. Geriak (State Bar No. 32871)
 jgeriak@orrick.com
 2 Robert W. Dickerson (State Bar No. 89367)
 rdickerson@orrick.com
 3 Kurt T. Mulville (State Bar No. 149218)
 kmulville@orrick.com
 4 Allan W. Jansen (State Bar No. 81992)
 ajansen@orrick.com
 5 André De La Cruz (State Bar No. 245175)
 adelacruz@orrick.com
 6 ORRICK, HERRINGTON & SUTCLIFFE LLP
 4 Park Plaza, Suite 1600
 7 Irvine, CA 92614-2558
 Telephone: (949) 567-6700
 8 Facsimile: (949) 567-6710

9 Monte M.F. Cooper (State Bar No. 196746)
 mcooper@orrick.com
 10 ORRICK, HERRINGTON & SUTCLIFFE LLP
 1000 Marsh Road
 11 Menlo Park, CA 94025
 Telephone: 650-614-7400
 12 Facsimile: 650-614-7401

13 Attorneys for Defendant
 SPINAL KINETICS, INC.

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

18 SYNTHES USA, LLC (f/k/a SYNTHES
 19 (U.S.A.)); SYNTHES USA SALES, LLC;
 20 and SYNTHES, INC.,

21 Plaintiffs,

22 v.

23 SPINAL KINETICS, INC.,

24 Defendant.

CASE NO. 5:09-CV-01201 RMW

**STIPULATION AND
 ORDER RE BRIEFING SCHEDULE
 FOR SPINAL KINETICS' MOTION
 FOR SUMMARY JUDGMENT OF
 NON-INFRINGEMENT**

Hon. Ronald M. Whyte

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

4 On November 16, 2010, the parties stipulated to the continuance of the filing date of
5 Spinal Kinetics’ Reply to Synthes’ Opposition and the hearing date. [Dkt. No. 109] On
6 November 24, 210, the Court approved the parties continued briefing and hearing schedule as
7 stipulated to by the parties. [Dkt. No. 111]

8 On December 17, 2010, the parties further stipulated to the continuance of the filing date
9 of Spinal Kinetics’ Reply to Synthes’ Opposition and the hearing date. [Dkt. No. 114]


10 The parties have had further discussions and agreed to amend the briefing schedule for
11 Spinal Kinetics’ Motion to accommodate the unanticipated scheduling difficulties of Spinal
12 Kinetics’ counsel. The hearing date for Spinal Kinetics’ Motion shall remain scheduled for
13 January 28, 2011 [or thereafter on a date available to the Court].

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

15 (1) Spinal Kinetics shall file its Reply to Synthes’ Opposition by January 7, 2011 at 5
16 p.m., as opposed to the previously agreed to date of January 6, 2011.

17 IT IS SO ORDERED.

18 Dated: January 5, 2011

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20 _____
21 The Honorable Ronald M. Whyte
22 United States District Judge
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1 Agreed to and submitted by:

2 Dated: January 4, 2011

Respectfully submitted,

3 ORRICK, HERRINGTON & SUTCLIFFE LLP

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5 By: /s/ André De La Cruz

6 André De La Cruz
Attorneys for Defendant
SPINAL KINETICS, INC.

7 Dated: January 4, 2011

SIDLEY AUSTIN LLP

8
9 By: /s/ Jeffrey M. Olson

10 Jeffrey M. Olson
Attorneys for Plaintiffs
SYNTHES USA, LLC, SYNTHES USA SALES,
11 LLC, AND SYNTHES, INC.

12 Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under
13 penalty of perjury that concurrence in the filing of this document has been obtained from Jeffrey
14 M. Olson.

15 Dated: January 4, 2011

Respectfully submitted,

16 ORRICK, HERRINGTON & SUTCLIFFE LLP

17
18 By: /s/ André De La Cruz

19 André De La Cruz
Attorneys for Defendant
SPINAL KINETICS, INC.