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 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;
 and SYNTHES, INC.,
 20 Plaintiffs,
 21 v.
 22 SPINAL KINETICS, INC.,
 23 Defendant.
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CASE NO. 5:09-CV-01201 RMW
**STIPULATION AND ~~PROPOSED~~
 ORDER RE BRIEFING SCHEDULE
 FOR SPINAL KINETICS, INC.'S
 MOTION TO COMPEL
 DEPOSITION TESTIMONY OF
 SYNTHES' CONSULTANTS AND
 EMPLOYEES AND TO TAKE THE
 DEPOSITION OF WITNESSES IN
 SWITZERLAND**

Hon. Howard R. Lloyd
[Re: Docket No. 149]

1 On January 11, 2011, Defendant Spinal Kinetics, Inc. ("Spinal Kinetics") submitted,
2 under seal, its Amended Motion to Compel Deposition Testimony of Synthes' Consultants and
3 Employees, and to Take the Depositions of Witnesses in Switzerland ("Motion").

4 On February 1, 2011, Plaintiffs Synthes USA, LLC (f/k/a Synthes (U.S.A.)), Synthes
5 USA Sales, LLC, and Synthes, Inc. (collectively, "Synthes"), filed their Brief in Opposition to
6 Spinal Kinetics' Motion ("Opposition"). [Dkt. No. 140].

7 Spinal Kinetics' Reply in support of its Motion is presently due February 8, 2011. Spinal
8 Kinetics has requested that Synthes stipulate to an extension for Spinal Kinetics to submit its
9 Reply.

10 Counsel for Synthes informed counsel for Spinal Kinetics that Synthes does not object to
11 Spinal Kinetics filing its Reply on February 10, 2011, provided that this procedure would be
12 acceptable to the Court in view of the February 22, 2011 hearing date.

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

14 (1) The hearing date for Spinal Kinetics' Motion, previously calendared for February
15 22, 2011 at 10:00 a.m., remains unchanged; and

16 (2) [If acceptable to this Court], Spinal Kinetics' Reply in support of its Motion is to
17 be filed no later than February 10, 2011.

18 IT IS SO ORDERED.

19 Dated: February 8, 2011


The Honorable Howard R. Lloyd
United States Magistrate Judge

1 Agreed to and submitted by:

2 Dated: February 8, 2011

Respectfully submitted,

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ORRICK, HERRINGTON & SUTCLIFFE LLP

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By: /s/ André De La Cruz

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

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7 Dated: February 8, 2011

SIDLEY AUSTIN LLP

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By: /s/ Samuel N. Tiu

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Samuel N. Tiu
Attorneys for Plaintiffs
SYNTHES USA, LLC, SYNTHES USA SALES,
LLC, AND SYNTHES, INC.

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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 Samuel
14 N. Tiu.

15 Dated: February 8, 2011

Respectfully submitted,

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ORRICK, HERRINGTON & SUTCLIFFE LLP

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By: /s/ André De La Cruz

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

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