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COUNSEL LISTED ON SIGNATURE PAGE

E-FILED 04-08-2011

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SYNTHES USA, LLC (f/k/a SYNTHES)
(U.S.A.); SYNTHES USA SALES, LLC;)
and SYNTHES, INC.)
Plaintiffs,)
v.)
SPINAL KINETICS, INC.,)
Defendant.)

Case No. C-09-01201-RMW (HRL)
Assigned to: Hon. Ronald M. Whyte
**STIPULATION AND ~~PROPOSED~~
ORDER REGARDING BRIEFING
SCHEDULE AND HEARING FOR SPINAL
KINETICS' DISCOVERY MOTIONS
(DKTS. 182 AND 183)**
[Re: Docket No. 191]

1 On March 18, 2011, Defendant Spinal Kinetics, Inc. (“Spinal Kinetics”) filed (1) a Motion to
2 Compel An In Camera Inspection of Selected Documents from Plaintiffs’ Privilege Logs (Dkt. 182);
3 and (2) a Motion to Compel a Further Deposition of Guiseppa Molaro (Dkt. 183). The motions are
4 presently set for a hearing on May 10, 2011. Dkt. 188.

5 Expert discovery is set to close on May 27, 2011. Dkt. 186. Among the experts are two
6 individuals residing in Europe, and counsel was able to secure both of their depositions during the
7 week of May 9. However, the same counsel planning to the attend the discovery hearing are also
8 planning to attend these depositions, and thus have a conflict on May 10. Therefore, counsel having
9 discussed the conflict, and inquired about the Court’s availability, have agreed to continue the matter
10 for one week.

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

- 12 (1) Synthes shall file its Oppositions to Spinal Kinetics’ Motions by April 26, 2011;
13 (2) Spinal Kinetics shall file its Replies to Synthes’ Oppositions by May 3, 2011;
14 (3) The hearing date for Spinal Kinetics’ Motions is scheduled for May 17, 2011.

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16 SO ORDERED, this 8th day of April, 2011.

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20 HONORABLE HOWARD B. LLOYD
21 UNITED STATES MAGISTRATE JUDGE
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1 Agreed to and submitted by:

2 SIDLEY AUSTIN LLP

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4 Dated: April 7, 2011

By: /s/ Jeffrey M. Olson
Jeffrey M. Olson
Attorneys for Plaintiffs
SYNTHES USA, LLC (f/k/a SYNTHES (U.S.A.));
SYNTHES USA SALES, LLC; and SYNTHES, INC.

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8 DICKSTEIN SHAPIRO LLP

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10 Dated: April 7, 2011

By: /s/ Allan W. Jansen
Allan W. Jansen
Attorneys for Defendant
SPINAL KINETICS, INC.

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Attorneys for Defendant
SPINAL KINETICS, INC.

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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 Allan W. Jansen.

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4 Dated: April 7, 2011

By: /s/ Jeffrey M. Olson
Jeffrey M. Olson
Attorneys for Plaintiffs
SYNTHES USA, LLC (f/k/a SYNTHES (U.S.A.));
SYNTHES USA SALES, LLC; and SYNTHES, INC.