

1 COUNSEL LISTED ON LAST PAGE

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7 ***E-FILED - 4/15/11***

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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN JOSE DIVISION
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15 SYNTHES USA, LLC (f/k/a SYNTHES
16 (U.S.A.)); SYNTHES USA SALES, LLC; and
SYNTHES, INC.,

17 Plaintiffs,

18 v.

19 SPINAL KINETICS, INC.,

20 Defendant.

21 AND RELATED COUNTERCLAIMS.
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CASE NO. 5:09-CV-01201 RMW

**STIPULATION AND []
ORDER REGARDING
AMENDMENTS TO PRETRIAL
SCHEDULE**

Date:

Time:

Ctrm.:

Judge: Hon. Ronald M. Whyte

1 Because of scheduling issues that have arisen for counsel for Spinal Kinetics, Spinal
2 Kinetics requested a three-day extension for the preparation of the Opening and Rebuttal Expert
3 Reports, and counsel for Synthes has hereby agreed. Therefore the parties submit the following
4 proposed stipulation seeking an Amendment to the Pretrial Scheduling Order.

5 In addition, the parties require additional time to complete private mediation, and hereby
6 request an Amendment to the Pretrial Scheduling Order.

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

8 (1) The deadlines in the Amended Joint Second Case Management Order (Dkt. 102)
9 are amended (Dkts. 120 and 186) as follows:

- 10 • Opening Expert Reports on issues the party bears the burden of proof: **April 14,**
11 **2011.**
- 12 • Rebuttal Expert Reports solely to contradict or rebut opening expert reports: **May**
13 **5, 2011.**
- 14 • Completion of non-binding mediation: **June 30, 2011.**

15 (2) All other deadlines in the Amended Joint Second Case Management Order remain
16 unchanged.

17 **SO ORDERED**, this 15th day of April, 2011.

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19 HONORABLE RONALD M. WHYTE
20 UNITED STATES DISTRICT COURT JUDGE

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22 Agreed to and submitted by:

23 SIDLEY AUSTIN LLP

24
25 Dated: April 5, 2011

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

1 Dated: April 5, 2011

By: /s/ Allan W. Jansen

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4 SPINAL KINETICS, INC.

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