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 24 SPINAL KINETICS, INC.

25 UNITED STATES DISTRICT COURT  
 26 NORTHERN DISTRICT OF CALIFORNIA  
 27 SAN JOSE DIVISION

28 SYNTHES USA, LLC (f/k/a SYNTHES  
 (U.S.A.)),

Case No. 5:09-CV-01201 RMW

Plaintiff,

**STIPULATION AN**

v.

SPINAL KINETICS, INC.,

Defendant.

1 Pursuant to this Court's Standing Order re: Pretrial Preparation filed February 24, 2003  
2 ("Standing Order"), the parties are to lodge not less than ten (10) court days before the Pretrial  
3 Conference "[o]ne copy of any deposition transcript and any discovery response intended to be  
4 offered as evidence, other than solely for impeachment or rebuttal." The Standing Order further  
5 directs the parties to "highlight the pertinent portions of the deposition transcripts and discovery  
6 responses."

7 Pursuant to a stipulation between the parties, the deposition transcripts with the  
8 highlighted pertinent portions are currently due no later than October 4, 2011.

9 The parties have discussed and agreed to extend the schedule for lodging one set of  
10 deposition transcripts that includes the highlighted designations and highlighted  
11 counterdesignations for at least the reason that the Court's ruling on the pending motions *in*  
12 *limine* may impact the depositions to be presented at trial.

13 **IT IS HEREBY STIPULATED** by and between the parties, through their respective  
14 counsel of record, that:

- 15 1. the parties are to lodge one copy of any deposition transcript and any discovery  
16 response intended to be offered as evidence, other than solely for impeachment or rebuttal, no  
17 later than October 25, 2011; and
- 18 2. the parties are to highlight the pertinent portions of the deposition transcripts and  
19 discovery responses.

20 **SO ORDERED.**

21  
22 Dated:



1 Agreed to and submitted by:

2 Dated: October 4, 2011

DICKSTEIN SHAPIRO LLP

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

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Dated: October 4, 2011

SIDLEY AUSTIN LLP

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By /s/ Samuel N. Tiu  
Samuel N. Tiu  
Attorney for Plaintiff  
SYNTHES USA, LLC (f/k/a SYNTHES  
(U.S.A.))

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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, counsel for Plaintiff.

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Dated: October 4, 2011

DICKSTEIN SHAPIRO LLP

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By /s/ Allan W. Jansen  
James W. Geriak  
Allan W. Jansen  
Robert W. Dickerson  
Charles A. Kertell  
Ehab M. Samuel  
Mark Stirrat  
Attorneys for Defendant  
SPINAL KINETICS, INC.

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