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E-FILED - 4/30/09

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 SPINAL KINETICS, INC.

8
 9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 SAN JOSE DIVISION

12 SYNTHES USA, LLC (f/k/a SYNTHES
 (U.S.A.)); SYNTHES USA SALES, LLC;
 13 and SYNTHES, INC.,

14 Plaintiffs,

15 v.

16 SPINAL KINETICS, INC.,

17 Defendant.

CASE NO. 5:09-CV-01201 RMW

**~~PROPOSED~~ ORDER WITHDRAWING
 SPINAL KINETICS, INC.'S MOTION TO
 STRIKE "AMENDED" COMPLAINT AND
 VACATING HEARING DATE**

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The Court hereby VACATES the hearing currently set for May 8, 2009 for Spinal Kinetics, Inc.'s ("Spinal Kinetics") Motion to Strike Amended Complaint, filed February 11, 2009 before Judge Robinson, and now withdrawn by Spinal Kinetics.

The Clerk shall update the Court's Docket and Calendar accordingly.

IT IS SO ORDERED.

DATED: 4/30, 2009



RONALD M. WHYTE
U.S. District Judge

1 **CERTIFICATE OF SERVICE**

2 I am more than eighteen years old and not a party to this action. My business address is
3 Orrick, Herrington & Sutcliffe LLP, 4 Park Plaza, Suite 1600, Irvine, California 92614-2558.

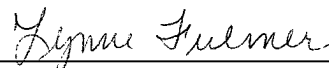
4 On April 22, 2009, I served the following document entitled **[PROPOSED] ORDER**
5 **WITHDRAWING SPINAL KINETICS, INC.'S MOTION TO STRIKE "AMENDED"**
6 **COMPLAINT AND VACATING HEARING DATE** on all interested parties to this action in
7 the manner prescribed as follows:

8 (EMAIL) By transmitting via electronic mail in Adobe PDF format the document(s)
9 listed above to the electronic address(es) set forth below.

10 Jeffrey M. Olson (jolson@sidley.com)
11 Paul H. Meier (pmeier@sidley.com)
12 Samuel N. Tiu (stiu@sidley.com)
13 Matthew S. Jorgenson (mjorgenson@sidley.com)
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15 555 W. Fifth Street, Suite 4000
16 Los Angeles, CA 90013
17 Telephone: (213) 896-6000
18 Facsimile: (213) 896-6600

19 I am employed in the office of a member of the bar of this court at whose direction such
20 service was made. I declare under penalty of perjury under the laws of the State of California that
21 the foregoing is true and correct.

22 Executed on April 22, 2009, at Irvine, California

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Lynne Fulmer