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

18 UNITED STATES DISTRICT COURT
 19 NORTHERN DISTRICT OF CALIFORNIA
 20 SAN JOSE DIVISION

21 SYNTHES USA, LLC (f/k/a SYNTHES
 22 (U.S.A.)),
 23 Plaintiff,
 24 v.
 25 SPINAL KINETICS, INC.,
 26 Defendant.

CASE NO. 5:09-CV-01201 RMW

**STIPULATION AND []
 ORDER TO CONTINUE HEARING ON
 SPINAL KINETICS, INC.'S MOTION TO
 HAVE CASE DECLARED
 EXCEPTIONAL AND FOR AWARD OF
 ATTORNEYS' FEES (DKT. #513)**

27 AND RELATED COUNTERCLAIMS.
 28

1 On March 19, 2012, Spinal Kinetics, Inc. ("Spinal Kinetics") filed its Motion to Have Case
2 Declared Exceptional and for Award of Attorneys' Fees ("Motion"). (Dkt. #513). The hearing on
3 the Motion is presently set for April 27, 2012.

4 Counsel for Synthes USA, LLC (f/k/a Synthes (U.S.A.)) ("Synthes") has requested a
5 continuance of the Motion hearing date and counsel for Spinal Kinetics has agreed.

6 Counsel and the Court are available on May 4, 2012 for the hearing on the Motion.

7 IT IS HEREBY STIPULATED, by and between the parties, through their undersigned
8 counsel of record, and subject to the approval of this Court, that:

- 9 1. The date for the Motion hearing is continued from April 27, 2012 to May 4, 2012 at 9
10 a.m.; and
11 2. The Clerk shall update the Court's Docket and Calendar accordingly.

12 **IT IS SO ORDERED.**

13
14 Dated: _____, 2012



HON. RONALD M. WHYTE
United States District Judge

15
16
17 Agreed to and submitted by:

18 Dated: March 28, 2012

DICKSTEIN SHAPIRO LLP

19 By: /s/ James W. Geriak
James W. Geriak
Attorneys for Defendant
SPINAL KINETICS, INC.

20
21
22 Dated: March 28, 2012

SIDLEY AUSTIN LLP

23 By: /s/ Jeffrey M. Olson
Jeffrey M. Olson
Attorneys for Plaintiff
SYNTHES USA, LLC (f/k/a SYNTHES (U.S.A.))

1 Pursuant to General Order No. 45, Section X(B), I attest under penalty of perjury that
2 concurrence in the filing of this document has been obtained from Jeffrey M. Olson, counsel of
3 record for Synthes USA, LLC (f/k/a Synthes (U.S.A.)).
4

5 Respectfully submitted,

6 Dated: March 28, 2012

DICKSTEIN SHAPIRO LLP

7 By: /s/ James W. Geriak
8 James W. Geriak
9 Attorneys for Defendant
SPINAL KINETICS, INC.

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