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22 Attorneys for Defendant
 23 SPINAL KINETICS, INC.

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

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

Case No. 5:09-CV-01201 RMW

Plaintiffs,

v.

SPINAL KINETICS, INC.,

Defendant.

**STIPULATION TO EXTEND TIME
 FOR SUBMISSION OF RESPONSIVE
 AND REPLY CLAIM
 CONSTRUCTION BRIEFS
 AND ORDER**

AND RELATED COUNTERCLAIMS.

1 Pursuant to this Court's Case Management Order, Plaintiffs submitted their
2 Opening Claim Construction Brief pursuant to Patent Local Rule 4-5(a) on December 24, 2009,
3 In the normal course, Defendant Spinal Kinetics, Inc.'s Responsive Claim Construction Brief,
4 pursuant to Patent Local Rule 4-5(b), would have been due on January 7, 2010. Because of the
5 loss of business days during the holiday period, Spinal Kinetics, Inc. has requested, and Plaintiffs
6 have agreed, that Spinal Kinetics, Inc. may serve and file its Responsive Claim Construction Brief
7 by January 13, 2010. To provide Plaintiffs with sufficient time to prepare their Reply Claim
8 Construction Brief, pursuant to Patent Local Rule 4-5(c), Spinal Kinetics, Inc. has agreed to
9 extend the period of time for submission of the Reply Claim Construction Brief to February 1,
10 2010.


11 The Claim Construction Hearing, pursuant to Patent Local Rule 4-6, is presently
12 set for February 9, 2010. The parties have contacted this Court's clerk and determined that
13 February 11, 2010 is an available date for the Court to conduct the Claim Construction Hearing.
14 All parties are available on February 11, 2010 for a Claim Construction Hearing.

15 IT IS HEREBY STIPULATED by and between the parties, through their counsel
16 of record, that:

- 17 1. The date for Defendant Spinal Kinetics, Inc. to serve and file its
18 Responsive Claim Construction Brief pursuant to Patent Local Rule 4-5(b) be extended from
19 January 7, 2010 to January 13, 2010;
- 20 2. The date for Plaintiffs to serve and file their Reply Claim Construction
21 Brief pursuant to Patent Local Rule 4-5(c) be extended from January 19, 2010 to February 1,
22 2010; and
- 23 3. The date for the Claim Construction Hearing pursuant to Patent Local Rule
24 4-6 is continued from February 9, 2010 to February 23, 2010 at 9:00 a.m. *

25 SO ORDERED, this 28 day of January, 2010.

26 *The Court will be unavailable from
27 February 9, 2010 through February
28 19, 2010.


HONORABLE RONALD M. WHYTE
UNITED STATES DISTRICT COURT JUDGE

1 **Agreed to and submitted by:**

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Dated: January 7, 2010

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Dated: January 7, 2010

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