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Attorneys for Defendant  
 SPINAL KINETICS, INC.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

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

Plaintiffs,

v.

SPINAL KINETICS, INC.,

Defendant.

) Case No. C-09-01201-RMW

) Assigned to: Hon. Ronald M. Whyte

) **STIPULATION AND []**  
 ) **ORDER TO CONTINUE THE CLAIM**  
 ) **CONSTRUCTION HEARING**

1 On January 28, 2010, the Court entered an order continuing the Claim Construction Hearing  
2 from February 9, 2010 to February 23, 2010 at 9:00 a.m. In its order, the Court indicated that the  
3 Court will be unavailable from February 9, 2010 through February 19, 2010.

4 Due to an immovable conflict, lead counsel for Defendant Spinal Kinetics, Inc. cannot be  
5 available on the date of the rescheduled hearing, February 23, 2010, and will be unavailable until  
6 March 14, 2010.

7 The parties have contacted the Court's clerk and were informed that the Court's schedule  
8 may alternatively allow for the Claim Construction Hearing to occur on March 17, 2010.

9 IT IS HEREBY STIPULATED by and between the parties, through their counsel, that the  
10 date for the Claim Construction Hearing pursuant to Patent Local Rule 4-6 is continued from  
11 February 23, 2010 to March 17, 2010 at 9:00 a.m.

12 SO ORDERED, this 12 day of February 2010.

13   
14 HONORABLE RONALD M. WHYTE  
15 UNITED STATES DISTRICT COURT JUDGE

16 Agreed to and submitted by:

17 SIDLEY AUSTIN LLP  
18

19 Dated: February 8, 2010

20 By: /s/ Jeffrey M. Olson  
21 Jeffrey M. Olson, Esq.  
22 Attorneys for Plaintiffs  
23 SYNTHES USA, LLC (f/k/a SYNTHES (U.S.A.));  
24 SYNTHES USA SALES, LLC; and SYNTHES, INC.

25 ORRICK, HERRINGTON & SUTCLIFFE LLP

26 Dated: February 8, 2010

27 By: /s/ Kurt T. Mulville  
28 Kurt T. Mulville, Esq.  
Attorneys for Defendant  
SPINAL KINETICS, INC.

1 Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under penalty  
2 of perjury that concurrence in the filing of this document has been obtained from James W. Geriak,  
3 Allan W. Jansen, Robert W. Dickerson, or Kurt T. Mulville.

4  
5  
6 Dated: February 8, 2010

By: /s/Jeffrey M. Olson  
Jeffrey M. Olson, Esq.  
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