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8 Attorneys for Defendant
 SPINAL KINETICS, INC.

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

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

CASE NO. 5:09-CV-01201 RMW

**STIPULATION AND ORDER
 RE FILING OF SECOND JOINT CASE
 MANAGEMENT STATEMENT**

15 Plaintiffs,

16 v.

17 SPINAL KINETICS, INC.,

18 Defendant.

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1 **WHEREAS** plaintiffs' Synthes USA, LLC (f/k/a Synthes (U.S.A.)), Synthes USA Sales,
2 LLC, and Synthes, Inc. (collectively, "Synthes") and defendant Spinal Kinetics, Inc. ("Spinal
3 Kinetics:") were to have filed a Joint Case Management Statement on August 3, 2010 pursuant to
4 L.R. 16-10(d);

5 **WHEREAS** the parties continue to meet and confer with respect to the Joint submission;

6 **WHEREAS** the parties wish leave of Court to allow counsel to have sufficient time to
7 review the Joint Case Management Statement prior to filing, and therefore seek leave of Court for
8 an additional extension.

9 Synthes and Spinal Kinetics do hereby AGREE AND STIPULATE, by and through their
10 respective counsel, to entry of an Order of this Court continuing the due date presently set for
11 submission of the Joint Case Management Statement from August 3, 2010 to August 11, 2010.

12 IT IS SO STIPULATED.

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14 Dated: August 6, 2010

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

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17 By: /s/ André De La Cruz

André De La Cruz
Attorneys for Defendant
SPINAL KINETICS, INC.

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19 Dated: August 6, 2010

SIDLEY AUSTIN LLP

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21 By: /s/ Samuel N. Tiu

Samuel N. Tiu
Attorneys for Plaintiffs
SYNTHES USA, LLC, SYNTHES USA SALES,
LLC, AND SYNTHES, INC.

1 Pursuant to General Order NO. 45, Section X(B) regarding signatures, I attest under
2 penalty of perjury that concurrence in the filing of this document has been obtained from Samuel
3 N. Tiu.

4 Dated: August 6, 2010

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

7 By: /s/ André De La Cruz

8 André De La Cruz
9 Attorneys for Defendant
10 SPINAL KINETICS, INC.

11 **ORDER**

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13 IT IS SO ORDERED.

14 Dated: August 16, 2010

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17 The Honorable Ronald M. Whyte
18 United States District Judge