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

CASE NO. 5:11-CV-03891 RMW

**JOINT STIPULATION AND  
 [ ] ORDER TO STAY CASE**

27 AND RELATED COUNTERCLAIMS.  
 28

1 The Case Management Conference in the present action is currently set for February 10,  
2 2012. (Docket No. 20). The parties are also currently required to file a Joint Case Management  
3 Statement by February 3, 2012. However, the present action is related to Northern District of  
4 California Case No. 5:09-CV-01201 RMW, styled *Synthes USA, LLC (f/k/a Synthes (U.S.A.) v.*  
5 *Spinal Kinetics, Inc.*, which involves the same patent (*i.e.*, U.S. Patent No. 7,429,270) as the sole  
6 patent-in-suit in the present case, and which was recently tried to a jury verdict in this Court.

7 Because of the relatedness of these two actions, and to preserve the resources of the parties  
8 and this Court, IT IS HEREBY STIPULATED AND AGREED, by and between the parties, through  
9 their undersigned counsel of record, and subject to the approval of this Court, that the present action  
10 is stayed in all respects, and all current deadlines are vacated. Such stay shall continue until a  
11 judgment is entered in Northern District of California Case No. 5:09-CV-01201 RMW and until any  
12 appeal of that judgment has been decided by the United States Court of Appeals for the Federal  
13 Circuit, or until such other time as determined by the Court, including in response to a motion filed  
14 by either party to lift the stay.

15 Respectfully submitted,

16 Dated: January 19, 2012

DICKSTEIN SHAPIRO LLP

17 By: /s/ James W. Geriak  
18 James W. Geriak  
19 Attorneys for Plaintiff and Counterdefendant  
SPINAL KINETICS, INC.

20 Dated: January 19, 2012

SIDLEY AUSTIN LLP

21 By: /s/ Jeffrey M. Olson  
22 Jeffrey M. Olson  
23 Attorneys for Defendant and Counterclaimant  
24 SYNTHES USA, LLC (f/k/a SYNTHES (U.S.A.))

25 **PURSUANT TO STIPULATION, IT IS SO ORDERED:**



26 Dated: \_\_\_\_\_, 2012

27 By:

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: January 19, 2012

DICKSTEIN SHAPIRO LLP

7 By:  /s/ James W. Geriak  
8 James W. Geriak  
9 Attorneys for Plaintiff and Counterdefendant  
10 SPINAL KINETICS, INC.  
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