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 18 DEPUY SYNTHES PRODUCTS, LLC

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

22 DEPUY SYNTHES PRODUCTS, LLC,
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 24 Plaintiff,
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 26 v.
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 28 SPINAL KINETICS, INC.,
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 30 Defendant.

CASE NO. CV-13-0875-RMW
 Hon. Ronald M. Whyte

**STIPULATION TO LIFT STAY AND TO
 DISMISS ACTION IN ITS ENTIRETY**

31 SPINAL KINETICS, INC.,
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 33 Counter-Claimant,
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 35 v.
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 37 DEPUY SYNTHES PRODUCTS, LLC, and Does
 38 1-5,
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 40 Counter-Defendants.

1 Plaintiff Depuy Synthes Products, LLC (“Depuy Synthes”) and Defendant Spinal Kinetics,
2 Inc. (“Spinal Kinetics”), by their respective undersigned attorneys, hereby stipulate that the existing
3 Stay (Dkt. No. 19) in the above captioned matter can be lifted, and that this action shall be dismissed
4 pursuant to the terms of a Settlement Agreement. The dismissal by Depuy Synthes of its claims for
5 relief is with prejudice as to all claims asserted against Spinal Kinetics, and the dismissal by Spinal
6 Kinetics is without prejudice as to all counterclaims asserted against Depuy Synthes. Except as
7 otherwise agreed between the parties, each party shall bear its own attorneys’ fees and costs. A
8 proposed order dismissing this action is being filed herewith.

9 This Court shall retain subject matter and personal jurisdiction over the parties with respect
10 to any dispute that may arise under the terms of their settlement agreement.

11 Agreed to and submitted by:

12
13 Dated: May 23, 2014

SIDLEY AUSTIN LLP

14 By: /s/ Jeffrey M. Olson

15 Jeffrey M. Olson
16 Attorneys for Plaintiff/Counter-Defendant
DEPUY SYNTHES PRODUCTS, LLC

17 Dated: May 23, 2014

DICKSTEIN SHAPIRO LLP

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19 By: /s/ Robert W. Dickerson

20 Robert W. Dickerson
21 Attorneys for Defendant/Counter-claimant
22 SPINAL KINETICS, INC.
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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

DEPUY SYNTHES PRODUCTS, LLC,
Plaintiff,
v.
SPINAL KINETICS, INC.,
Defendant.

SPINAL KINETICS, INC.,
Counter-Claimant,
v.
DEPUY SYNTHES PRODUCTS, LLC, and Does
1-5,
Counter-Defendants.

CASE NO. CV-13-0875-RMW
Hon. Ronald M. Whyte
 **ORDER LIFTING STAY
AND DISMISSING ACTION IN ITS
ENTIRETY**


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Based on the “Stipulation Lifting Stay and of Dismissal” filed by Plaintiff Depuy Synthes Products, LLC (“Depuy Synthes”) and Defendant Spinal Kinetics, Inc. (“Spinal Kinetics”), it is hereby ORDERED that the existing Stay (Dkt. No. 19) is hereby lifted, and that all claims of Depuy Synthes, asserted against Spinal Kinetics, are dismissed with prejudice, and all counterclaims of Spinal Kinetics, asserted against Depuy Synthes, are dismissed without prejudice. Except as otherwise agreed by the parties, each party shall bear its own attorneys’ fees and costs.

This Court shall retain subject matter and personal jurisdiction over the parties with respect to any dispute that may arise under the terms of their settlement agreement.

IT IS SO ORDERED.

Dated: _____, 2014


Honorable Ronald M. Whyte
United States District Judge