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Defendants, **WARSAW
ORTHOPEDIC, INC.; MEDTRONIC
SOFAMOR DANEK U.S.A., INC.;**
**MEDTRONIC PUERTO RICO
OPERATIONS CO.; OSTEOTECH,
INC.; MEDTRONIC INC.;**
**MEDTRONIC SOFAMOR DANEK
DEGGENDORE, GMBH;**
MEDTRONIC LOGISTICS, LLC;
**MEDTRONIC XOMED, INC.; AND
SPINAL GRAFT TECHNOLOGIES,
LLC**

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

27 WARSAW ORTHOPEDIC, INC.;

28 Plaintiffs,

v.

NUVASIVE, INC.,

Defendant.

AND RELATED COUNTERCLAIMS

CASE NO. 3:12-cv-02738-CAB (MDD)

**JOINT MOTION TO EXTEND
DATES REGARDING (1)
PLAINTIFFS' MOTION FOR
CLARIFICATION AND
RECONSIDERATION, AND (2)
JOINT STATUS REPORT**

Hon. Cathy Ann Bencivengo
Courtroom: 4C
Date/Time: N/A

1 Plaintiffs Warsaw Orthopedics, Inc., Medtronic Puerto Rico Operations Co.,
2 Medtronic Sofamor Danek, USA, Inc., and Osteotech, Inc., and Counterclaim-
3 Defendants Medtronic, Inc., Medtronic Logistics, LLC, Medtronic Xomed, Inc.,
4 SpinalGraft Technologies, LLC, and Medtronic Sofamor Danek Deggendorf,
5 GmbH (collectively, “Plaintiffs”) and Defendant NuVasive, Inc. (“Defendant”)
6 (Plaintiffs and Defendant collectively, the “Parties”) hereby file this Joint Motion
7 to Extend Dates Regarding (1) Plaintiffs’ Motion for Clarification and
8 Reconsideration of Order Granting Defendant’s Motion for Summary Judgment of
9 Non-Infringement of the ’146 Patent and (2) Joint Statement Regarding Status of
10 Litigation.

11 **WHEREAS**, on March 15, 2016, Plaintiffs filed a Motion for Clarification
12 and Reconsideration of Order Granting Defendant’s Motion for Summary
13 Judgment of Non-Infringement of the ’146 Patent (Dkt. No. 273);

14 **WHEREAS**, the hearing for Plaintiffs’ Motion for Clarification and
15 Reconsideration is currently set for April 12, 2016;

16 **WHEREAS**, on March 1, 2016, the Court issued an Order (Dkt. 272)
17 instructing the Parties to submit a Joint Statement Regarding Status of Litigation
18 by March 31, 2016;

19 **WHEREAS**, the Parties seek an extension of these due dates for reasons
20 discussed with the Court on March 22, 2016;

21 **NOW THEREFORE**, the Parties jointly move that:

- 22 1. The Hearing date on Plaintiffs’ Motion for Clarification and
23 Reconsideration be extended from April 12, 2016 to April 29, 2016.
- 24 2. The Parties’ Joint Statement Regarding Status of Litigation be
25 extended from March 31, 2016 to April 12, 2016.

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1 Respectfully submitted,

2 DATED: March 23, 2016

KIRKLAND & ELLIS LLP

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/s/ Luke L. Dauchot

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Luke L. Dauchot
Nimalka R. Wickramasekera
Sharre Lot follahi

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Attorneys for Plaintiffs/Counterclaim
Defendants WARSAW ORTHOPEDIC,
INC.; MEDTRONIC SOFAMOR
DANEK U.S.A., INC.; MEDTRONIC
PUERTO RICO OPERATIONS CO.;
OSTEOTECH, INC.; MEDTRONIC
INC.; MEDTRONIC SOFAMOR
DANEK DEGGENDORE, GMBH;
MEDTRONIC LOGISTICS, LLC;
MEDTRONIC XOMED, INC.; AND
SPINAL GRAFT TECHNOLOGIES,
LLC

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15 DATED: March 23, 2016

WILSON SONSINI GOODRICH & ROSATI

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/s/ Paul D. Tripodi II

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Paul D. Tripodi II

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Attorneys for
Defendant/Counterclaimant
NUVASIVE. INC

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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document has been served on this date to all current and/or opposing counsel of record, if any to date, who are deemed to have consented to electronic service via the Court’s CM/ECF system per Civ.L.R. 5.4(d). Any other counsel of record will be served by electronic mail, facsimile and/or overnight delivery.

I declare under penalty of perjury under the Laws of the United States of America that the above is true and correct. Executed this 23rd day of March, 2016, at Los Angeles, California.

By: /s/ Luke L. Dauchot
Luke L. Dauchot