	Case 3:08-cv-01512-CAB-MDD Document 601 Filed 07/12/13 Page 1 of 1
1	
2	
3	
4	UNITED STATES DISTRICT COURT
5	SOUTHERN DISTRICT OF CALIFORNIA
6 7	WARSAW ORTHOPEDIC, INC., CASE NO. 3:08-CV-1512-CAB (MDD)
/ 8	vs. Plaintiff, ORDER GRANTING JOINT MOTION FOR DISMISSAL
9	NUVASIVE, INC., [Doc. No. 599]
10	Defendant.
11	
12	WHEREAS Plaintiff Warsaw Orthopedic, Inc. and Defendant NuVasive, Inc.
13	(collectively "the Parties") seek dismissal of the counts in this action that pertain to
14	Warsaw's United States Patent No. 5,772,661 ("the '661 patent"); IT IS HEREBY
15	ORDERED , pursuant to Fed. R. Civ. Proc. Rule 41(a)(1)(A)(ii) and (a)(1)(B), that:
16	1. Warsaw's claims and defenses in this action that pertain to the '661 patent
17	are dismissed in their entirety with prejudice.
18	2. NuVasive's defenses and counterclaims in this action that pertain to the
19	'661 patent are dismissed in their entirety without prejudice.
20 21	3. Each party shall bear its own costs and attorney's fees relating to the '661
21 22	patent.
22 23	IT IS SO ORDERED.
23 24	
25	DATED: July 12, 2013
26	CATHY ANN PENCIVENCO
27	CATHY ANN BENCIVENGO United States District Judge
28	
	- 1 - 08cv512

DOCKET A L A R M Find authenticated court documents without watermarks at <u>docketalarm.com</u>.