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

WARSAW ORTHOPEDIC, INC., <i>et</i> <i>al</i> ,	CASE NO. 08-cv-1512-CAB (MDD)
Plaintiffs,	ORDER CLOSING CASE
vs.	
NUVASIVE, INC.,	
Defendant.	


On October 6, 2008, the plaintiffs filed an amended complaint alleging defendant infringed nine of plaintiffs' United States patents. [Doc. No. 11.] On September 21, 2009, defendant filed an amended counterclaim alleging plaintiffs infringed three of defendant's United States patents. [Doc. No. 81.] The case management order entered by the trial judge directed the parties to proceed to trial in phases. For Phase I, plaintiffs selected to litigate three patents and defendant selected one patent. [Doc. No. 330.] All four patents were tried to verdict before a jury. [Doc. No. 397.]

On March 2, 2012, judgment was entered on this first phase following determinations on post-trial motions and a bench trial on defendant's affirmative defense of inequitable conduct. [Doc. No. 486.] Orders regarding the award of prejudgment interest [Doc. No. 504] and post-trial ongoing royalties [Doc. No. 592, 610] were subsequently entered.

1 As of July 22, 2013, all the remaining claims that were to be adjudicated in the
2 proposed subsequent phases of this litigation, have been dismissed. [Doc. Nos. 588,
3 601, 608.] Finding that no further matters remain to be adjudicated in this case, the
4 judgment entered on March 2, 2012 [Doc. No. 486], and the orders on the award of
5 interest and ongoing royalties [Doc. Nos. 504, 592, 610], are deemed **FINAL** and this
6 case is **CLOSED**.

7 **IT IS SO ORDERED.**

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9 DATED: August 20, 2013

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12 **CATHY ANN BENCIVENGO**
13 United States District Judge
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