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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

WARSAW ORTHOPEDIC, INC.) CASE NO. 3:08-CV-01512-MMA-AJB
Plaintiff,)
v.) **STIPULATION**
NUVASIVE, INC.)
Defendant.)

NUVASIVE, INC.)
Counterclaimant,)
v.)
MEDTRONIC SOFAMOR DANEK USA, INC.; WARSAW)
ORTHOPEDIC, INC.; MEDTRONIC PUERTO RICO)
OPERATIONS CO.; AND MEDTRONIC SOFAMOR)
DANEK DEGGENDORF, GMBH,)
Counterclaim Defendants.)

AND RELATED COUNTERCLAIMS.)

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IT IS HEREBY STIPULATED AND AGREED as follows:

1. Warsaw Orthopedic, Inc., Medtronic Sofamor Danek USA, Inc., Medtronic Puerto Rico Operations Co., and Medtronic Sofamor Danek Deggendorf, GmbH (collectively “Medtronic”) admits the authenticity of each document that on its face appears to have been generated by Medtronic (including documents generated by its employees during the course of their employment for Medtronic) and produced in this case by Medtronic.

2. Medtronic admits the business record status of each document that on its face appears to have been generated by Medtronic (including documents generated by its employees during the course of their employment for Medtronic) concerning a matter pertaining to a regularly conducted business activity of Medtronic and produced in this case by Medtronic subject to the caveat that Medtronic may object to the admissibility of any specific statement in a document to the extent it can show that such statement does not fall within Fed. R. Evid. 803(6) or should otherwise not be admitted (e.g., pursuant to Rule 402 or 403, Fed. R. Evid.).

3. NuVasive, Inc. (“NuVasive”) admits the authenticity of each document that on its face appears to have been generated by NuVasive (including documents generated by its employees during the course of their employment for NuVasive) and produced in this case by NuVasive.

4. NuVasive admits the business record status of each document that on its face appears to have been generated by NuVasive (including documents generated by its employees during the course of their employment for NuVasive) concerning a matter pertaining to a regularly conducted business activity of NuVasive and produced in this case by NuVasive subject to the caveat that NuVasive may object to the admissibility of any specific statement in a document to the extent it can show that such statement does not fall within Fed. R. Evid. 803(6) or should otherwise not be admitted (e.g., pursuant to Rule 402 or 403, Fed. R. Evid.).

5. The parties further stipulate that any documents subject to the above admissions and not otherwise subject to the above caveats may be entered by either party into evidence.

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DATED: November 2, 2010

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DATED: November 2, 2010

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