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

WARSAW ORTHOPEDIC, INC.;  
MEDTRONIC SOFAMOR DANEK  
USA, INC.; MEDTRONIC PUERTO  
RICO OPERATIONS COMPANY;  
and OSTEOTECH, Inc.,

Plaintiffs,

vs.

NUVASIVE, INC.,

Defendant.

CASE NO. 12-cv-2738-CAB (MDD)

ORDER ON NUVASIVE'S MOTION  
TO STAY  
[Doc. No. 58]

This matter came before the court today for hearing on NuVasive, Inc.'s motion to stay the case as to the '430 and '997 patents. [Doc. No. 58.] For reasons set forth at the hearing, NuVasive's motion is **GRANTED IN PART AND DENIED IN PART**.

The case is stayed as to United States Patent No. 8,021,430.<sup>1</sup> NuVasive's motion as to United States Patent No. 8,251,997 is **DENIED IN PART**, without prejudice to renewal pending the Patent Office's decision whether to grant *inter partes* review of the '997 patent. The parties shall contact the undersigned's chambers, **within seven days** of the Patent Office's decision, to schedule a status conference.<sup>2</sup> The court **VACATES** the deadlines for the '997 patent related to Invalidity Contentions and

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<sup>1</sup> Plaintiffs do not oppose a stay as to this patent.

<sup>2</sup> The parties anticipate that the Patent Office will reach determination by September 25, 2013.

1 Preliminary Claim Constructions. *See* Doc. No. 60.


2 **IT IS SO ORDERED.**

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5 DATED: May 30, 2013

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**CATHY ANN BENCIVENGO**  
United States District Judge

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