

FILED BY [unclear] D.C.  
05 MAY 18 PM 3:31

EXHIBIT B

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

MEDTRONIC SOFAMOR DANEK, INC., Plaintiff,	)	Civil Action No. 01-2373 MI V
	)	
v.	)	
	)	
GARY K. MICHELSON, M.D. and KARLIN TECHNOLOGY, INC., <u>Defendants.</u>	)	Consolidated with
	)	
GARY K. MICHELSON, M.D., and KARLIN TECHNOLOGY, INC., Counterclaimants,	)	Civil Action No. 03-2055 MI
	)	
v.	)	
	)	
MEDTRONIC SOFAMOR DANEK, INC., <u>Counterdefendant.</u>	)	
	)	
GARY K. MICHELSON, M.D., Third Party Plaintiff,	)	
	)	
v.	)	
	)	
SOFAMOR DANEK HOLDINGS, INC., <u>Third Party Defendant.</u>	)	
	)	
GARY K. MICHELSON, M.D., AND KARLIN TECHNOLOGY, INC., Counterplaintiffs,	)	
	)	
v.	)	
	)	
MEDTRONIC SOFAMOR DANEK, INC. and MEDTRONIC, INC., <u>Counterdefendants.</u>	)	

**STIPULATED DISMISSAL WITH PREJUDICE**

The parties having settled their differences and on motion by all parties  
and for good cause shown, it is hereby Ordered:

This document entered on the docket sheet in compliance  
with Rule 58 and/or 79(a) FRCP on 5-19-05

2133

1. This action and the complaints and counterclaims in this action are hereby dismissed with prejudice. This stipulation by the parties is not an acknowledgement of liability of any party for any claim or allegation asserted in this litigation.

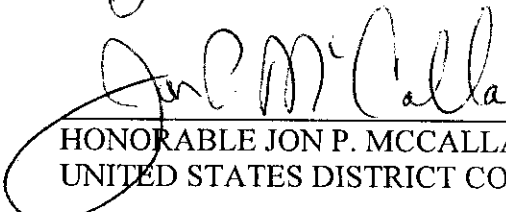
2. Plaintiffs request, and Defendants do not oppose, that the Order to Show Cause, dated September 30, 2003, and the Report and Recommendation on Defendant's Motion for Contempt Sanctions for Violation of Preliminary Injunction Order, dated July 26, 2004, both issued by Magistrate Judge Vescovo be withdrawn. It is therefore ordered that said Show Cause Order (docket no. 827) and Report and Recommendation (docket no. 1777) be and are hereby withdrawn.

3. Upon Defendants' request, Defendants Submission Re: Attorneys' Fees Expended and Cost Incurred in Bringing Their Motion for Contempt Sanction, dated August 10, 2004, is hereby withdrawn.

4. The Amended Protective Order in this action is hereby amended to permit a document custodian selected by the parties to retain copies of the documents and things falling within Paragraph 36 of the Amended Protective Order other than (i) any documents and things that are protected by the attorney - client privilege, the work product doctrine or other applicable privileges, or (ii) materials falling within Paragraph 37 of the Amended Protective Order produced in this action, and to permit Medtronic Sofamor Danek, Inc. to retain copies of documents and tangible things produced by defendants in this action.

5. Each party shall bear its own costs.

SO ORDERED, this 18 day of May 2005.

  
HONORABLE JON P. MCCALLA  
UNITED STATES DISTRICT COURT JUDGE

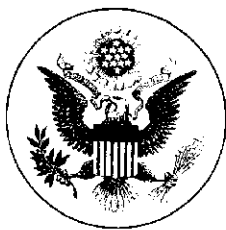
AGREED TO:

Dated: 5/18, 2005

By:   
ATTORNEYS FOR PLAINTIFF  
AND COUNTER-DEFENDANTS

Dated: 5/18, 2005

By:   
ATTORNEYS FOR DEFENDANTS  
AND COUNTER-PLAINTIFFS



## Notice of Distribution

This notice confirms a copy of the document docketed as number 2133 in case 2:01-CV-02373 was distributed by fax, mail, or direct printing on May 19, 2005 to the parties listed.

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