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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NANO-SECOND TECHNOLOGY
CO. LTD, a Taiwanese corporation,

Plaintiff,

v.

DYNAFLEX INTERNATIONAL, a
California corporation; and GFORCE
CORPORATION d/b/a DFX SPORTS
& FITNESS, a Nevada corporation,

Defendants.

Case No. CV 10-9176 RSWL (MANx)

Assigned to Hon. Ronald S.W. Lew
Complaint Filed: November 30, 2010

**ORDER DISMISSING DYNAFLEX'S
PATENT INFRINGEMENT
COUNTERCLAIM AGAINST
COUNTER-DEFENDANT
YAHIGH LLC PURSUANT TO THE
STIPULATION OF THE PARTIES**

DYNAFLEX INTERNATIONAL, a
California corporation,

Counterclaimant,

v.

NANO-SECOND TECHNOLOGY
CO. LTD, a Taiwanese corporation;
RPM SPORTS, an Irish corporation;
and YAHIGH LLC, a California
Limited Liability Company; and Does
1-10,

Counter-Defendants.

1 Counterclaimant Dynaflex International (“Dynaflex”) and counter-defendant
2 Yahigh LLC (“Yahigh”) having stipulated, through their respective counsel, that
3 the patent infringement claim asserted in Dynaflex’s Second Amended
4 Counterclaim may be dismissed to the extent that it is alleged against counter-
5 defendant Yahigh:

6 **IT IS HEREBY ORDERED** as follows:

7 (1) that the third claim in counterclaimant Dynaflex’s Second Amended
8 Counterclaim (Dkt. No. 110) for infringement of U.S. Patent No. 5,353,655 is
9 dismissed to the extent that it is alleged against counter-defendant Yahigh (but not
10 with respect to any other counter-defendant);

11 (2) that the Second Amended Counterclaim (Dkt. No. 110) shall
12 henceforth be construed as if the third claim for infringement of U.S. Patent
13 No. 5,353,655 is not alleged against counter-defendant Yahigh;

14 (3) that counter-defendant Yahigh’s Motion to Dismiss (Dkt. No. 127)
15 currently scheduled for hearing on July 3, 2012 shall be taken off calendar as moot;
16 and

17 (4) that counter-defendant Yahigh shall have seven (7) days from entry of
18 this Order to respond to the remaining claims alleged against it in Dynaflex’s
19 Second Amended Counterclaim (Dkt. No. 110).

20
21 Dated: June 7, 2012

22 **RONALD S.W. LEW**
23 _____
24 RONALD S.W. LEW
25 SENIOR, U.S. DISTRICT COURT JUDGE