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 INTERNATIONAL, INC., AND IOVATE HEALTH SCIENCES U.S.A., INC.
 13

14 **UNITED STATES DISTRICT COURT**
 15 **EASTERN DISTRICT OF CALIFORNIA**

<p>16 CYTOSPORT, INC., a California Corporation, 17 Plaintiff, 18 vs. 19 CYTOGENIX SPORTS LABORATORIES, 20 SRL., a Barbados company, IOVATE HEALTH SCIENCES INTERNATIONAL, 21 INC., a Canadian corporation; and IOVATE HEALTH SCIENCES U.S.A., INC. 22 Defendants. 23</p>	<p>Case No. 2:10-CV-00700-WBS-KJM</p> <p>STIPULATION AND [PROPOSED] ORDER DISMISSING ACTION WITH PREJUDICE</p> <hr/>
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1 **STIPULATION**

2 It is hereby stipulated and agreed that all claims brought in this action, Civil Case No. 2:10-
3 CV-00700-WBS-EFB (TEMP), between Plaintiff CytoSport, Inc. and Defendants Cytogenix Sports
4 Laboratories, SRL, Iovate Health Sciences International, Inc. and Iovate Health Sciences USA, Inc.
5 are DISMISSED WITH PREJUDICE. Each party shall bear its own costs and attorneys' fees
6 incurred in this action.

7 A proposed Order of Dismissal or Discontinuance With Prejudice is submitted herewith.
8 IT IS SO STIPULATED.

9
10 DATED: July 26, 2011

MILLSTONE, PETERSON & WATTS, LLP
Attorneys at Law

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12 By: /s/ Glenn W. Peterson
13 **GLENN W. PETERSON**

14 Attorneys for Plaintiff, CytoSport, Inc.

15 I hereby attest that I have on file all holograph signatures for any signatures indicated by a
16 "conformed" signature (/s/) within this e-filed document.

17 **MILLSTONE PETERSON & WATTS, LLP**
Attorneys at Law
18 /s/ Glenn W. Peterson

19
20 DATED: July 26, 2011

KENYON & KENYON LLP

21
22 By: /s/ Megan Whyman Olesek
23 **(AS AUTHORIZED ON JULY 26, 2011)**
MEGAN WHYMAN OLESEK

24 Attorneys for Defendants

25 I hereby attest that I have on file all holograph signatures for any signatures indicated by a
26 "conformed" signature (/s/) within this e-filed document.

27 **KENYON & KENYON, LLP**
28 /s/ Megan Whyman Olesek

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ORDER

IT IS HEREBY ORDERED that, pursuant to the Stipulation of the parties, all claims in Civil Case No. 2:10-CV-00700-WBS-EFB (TEMP) are dismissed with prejudice.

Dated: July 26, 2011



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE