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17 Attorneys for Defendant
 Realtek Semiconductor Corporation

18 **UNITED STATES DISTRICT COURT**
 19 **NORTHERN DISTRICT OF CALIFORNIA**
 20 **SAN FRANCISCO DIVISION**

21 3COM CORPORATION,
 22 Plaintiff,

23 v.

24 REALTEK SEMICONDUCTOR
 CORPORATION,
 25 Defendant.

Case No. Cv-03-02177-VRW

**STIPULATION AND [PROPOSED]
 ORDER DISMISSING ACTION
 WITH PREJUDICE**

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1 Plaintiff 3Com Corporation, Inc. ("3Com"), by its counsel Simpson Thacher &
2 Bartlett LLP, and Defendant Realtek Semiconductor Corporation ("Realtek"), by its counsel
3 Alston + Bird, LLP, hereby stipulate that they have reached a settlement of the dispute that is the
4 subject matter of the above-referenced action (the "Action"). Based upon such settlement, on the
5 consent and approval of 3Com and Realtek, IT IS HEREBY ORDERED that:

6 1. The Action, including, without limitation, all claims asserted by 3Com against
7 Realtek in the Action and all claims asserted by Realtek against 3Com in the Action, is hereby
8 dismissed with prejudice pursuant to Rules 41(a)(1)(A) and 41(c) of the Federal Rules of Civil
9 Procedure.

10 2. The parties have entered into a confidential settlement agreement. The Court
11 shall retain jurisdiction over the parties for purposes of enforcing this agreement.

12 3. Pursuant to the terms of the settlement agreement, the judgment with respect to
13 the jury's finding of willful infringement shall be vacated.

14 4. Each party shall bear its own costs and attorneys' fees.

15 AGREED TO AND ACCEPTED:

16 Dated: September 3, 2008

SIMPSON THACHER & BARTLETT LLP

17 By: /s/ Henry B. Gutman
18 Henry B. Gutman
19 Attorneys for Plaintiff
3COM CORPORATION


20 Dated: September 3, 2008

ALSTON + BIRD, LLP

21 By: /s/ Yitai Hu
22 Yitai Hu
23 Attorneys for Defendant
REALTEK SEMICONDUCTOR CORP.

24 PURSUANT TO STIPULATION, IT IS SO ORDERED

25 Dated: September 12, 2008


26 Vaughn R. Walker
27 United States District Judge
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Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under penalty of perjury that concurrence in the filing of this document has been obtained from Yitai Hu.

Dated: September 3, 2008

SIMPSON THACHER & BARTLETT LLP

By: /s/ Henry B. Gutman
Henry B. Gutman (admitted *pro hac vice*)
Attorneys for Plaintiff
3COM CORPORATION