

Procedure, Rule 41(a), and hereby stipulate to the dismissal of this action with prejudice with each side bearing its own attorneys' fees and costs.

DATED: _____, 2009

By: _____

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DATED: August 6, 2009

By: _____

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**PURSUANT TO THE TERMS SET FORTH IN THE PARTIES' STIPULATION,
IT IS SO ORDERED.**

Dated: AUG 17 2009

Hon. Charles R. Breyer
United States District Court