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 24 and CHEMCO INDUSTRIES, INC.

25 UNITED STATES DISTRICT COURT  
 26 NORTHERN DISTRICT OF CALIFORNIA  
 27 (SAN FRANCISCO DIVISION)

28 IOVATE HEALTH SCIENCES U.S.A., INC.,

CASE NO. 06-cv-02754-EDL

Cross-Claimant,

**STIPULATION FOR DISMISSAL WITH  
 PREJUDICE AND ~~{PROPOSED}~~ ORDER  
 THEREON**

v.

KENKO USA, INC.; SOFT-GEL  
 TECHNOLOGIES, INC. and CHEMCO  
 INDUSTRIES,

Cross-Defendants

Cross-Claimant IOVATE HEALTH SCIENCES U.S.A., INC. ("Iovate") and Cross-

Defendant KENKO USA, INC., SOFT-GEL TECHNOLOGIES, INC. and CHEMCO

INDUSTRIES (collectively "Kenko"), hereby stipulate as follows:

1 1. Iovate and Kenko have resolved the issues arising from the above-titled action and  
2 have entered into a confidential Settlement Agreement dated August 30, 2006 regarding all of  
3 Iovate's claims and Kenko's defenses.

4 2. Iovate and Kenko hereby agree to dismiss with prejudice this action, with each  
5 party to bear its own litigation costs, attorneys' fees, and other expenses arising from or related to  
6 this litigation.

7 Dated: September 12, 2006

FISH & RICHARDSON P.C.

8  
9 By:   
Albert R. Ubieta

10  
11 Attorneys for Cross-Claimant  
IOVATE HEALTH SCIENCES U.S.A., INC.

12  
13 Dated: September 12, 2006

DORSEY & WHITNEY LLP

14  
15 By:   
Sri Sankaran

16  
17 Attorneys for Cross-Defendants  
KENKO USA, INC., SOFT-GEL  
18 TECHNOLOGIES, INC. and CHEMCO  
INDUSTRIES, INC.

19  
20 ~~**[PROPOSED] ORDER**~~

21 Pursuant to the parties' stipulation, the Court **HEREBY DISMISSES WITH**  
22 **PREJUDICE** the above-titled action, with each party to bear its own attorneys' fees and costs.

23 IT IS SO ORDERED.

24  
25 Dated: September 25, 2006

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