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 Optoma Technology, Inc.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

17 SEIKO EPSON CORPORATION,)
)
 18 Plaintiff,)
)
 19 v.)
)
 20 CORETRONIC CORPORATION and)
 OPTOMA TECHNOLOGY, INC.,)
 21)
 Defendants.)
 22)
)
 23)
 AND RELATED COUNTERCLAIMS)
 24)

Case Nos. C 06-6946, 07-6055 MHP
**STIPULATION AND ~~PROPOSED~~ ORDER
 DISMISSING CLAIMS RELATING TO
 U.S. PATENT NO. 6,558,004**

25 WHEREAS Seiko Epson Corporation (“SEC”) asserted in this case that Coretronic
 26 Corporation (“Coretronic”) and Optoma Technology, Inc. (“Optoma”) infringed U.S. Patent No.
 27 6,558,004 (“the 004 Patent”); and
 28

1 WHEREAS Coretronic and Optoma have asserted counterclaims for declaratory judgment
2 that the 004 Patent is invalid and not infringed; and

3 WHEREAS SEC is willing to withdraw its infringement assertions as to the 004 Patent in this
4 case on the terms reflected in this Stipulation; and

5 WHEREAS the parties agree that in light of such withdrawal, the issue of the 004 Patent's
6 validity need not be litigated and resolved at this time;

7 NOW, THEREFORE, THE PARTIES STIPULATE AND ASK THE COURT FOR AN
8 ORDER AS FOLLOWS:

9 1. Dismissing with prejudice SEC's assertions of infringement of the 004 Patent against
10 Coretronic and Optoma and dismissing without prejudice Coretronic's and Optoma's Counterclaims
11 seeking a declaration regarding the non-infringement and invalidity of the 004 Patent.

12 2. Directing that each party shall bear its own attorneys' fees and costs incurred to date in
13 this case in connection with all proceedings related to the 004 Patent.

14 DATED: September 25, 2008

15
16 Respectfully submitted,

17 /Elizabeth H. Rader/

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Attorneys for Seiko Epson Corporation, Epson
Research & Development Corporation and
Epson America, Inc.

1 Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under penalty of
2 perjury that concurrence in the filing of this document has been obtained from Elizabeth H. Rader.

3 Dated: September 25, 2008

4 THELEN REID BROWN RAYSMAN & STEINER LLP

5 By: /Christopher L. Ogden/
6 Christopher L. Ogden, Esq.
7 (State Bar No. 235517)

8 Attorneys for Seiko Epson Corporation

9 Having considered the parties' statements and stipulations set forth above, and good cause
10 appearing therefore, IT IS HEREBY ORDERED THAT:

11 1. SEC's claims of infringement of U.S. Patent No. 6,558,004 against Coretronic and
12 Optoma are DISMISSED with prejudice and Coretronic's and Optoma's Counterclaims seeking a
13 declaration regarding the non-infringement and invalidity of U.S. Patent No. 6,558,004 are
14 DISMISSED without prejudice.

15 2. Each party shall bear its own attorneys' fees and costs incurred to date in this case in
16 connection with all proceedings related to the 004 Patent.

17
18
19 Dated: 9/29/08, 2008

