

United States District Court  
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FINANCIAL TECHNOLOGY PARTNERS  
L.P.,

Plaintiff,

v.

FNX LIMITED, FARID NAIB, and DOES 1-  
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Defendants.

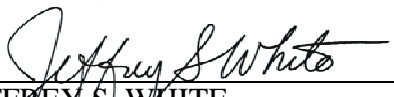
No. C 07-01298 JSW

**ORDER DIRECTING PARTIES  
TO FILE AUTHORITY  
REGARDING THE PREVAILING  
PARTY**

The Court notes that both parties have filed bills of costs, claiming that they are the prevailing party. The Court is inclined to find that neither party prevailed in this action and to order the parties to bear their own costs. However, in the interest of fairness, the Court will permit the parties to file briefs on this issue. By no later than December 24, 2009, Plaintiff and Defendants may each file briefs, no longer than five pages, on the issue of who is the prevailing party in this action.

**IT IS SO ORDERED.**

Dated: December 10, 2009

  
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JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE