

SAN JOSE | 50 West San Fernando Street
Los Angeles | Suite 1400
New York | San Jose, CA 95113-2429
San Francisco | Telephone (408) 287-6262
Redwood City | Facsimile (408) 918-4501
Boston | www.rmkb.com



Stephan A. Barber
(408) 918-4524

sbarber@ropers.com

October 22, 2008

VIA ELECTRONIC FILING

The Honorable Susan Illston
United States District Court
Northern District of California
450 Golden Gate Avenue, Dept. 10
San Francisco, CA 94102-3483

Re: Triangle Digital INX v. Spectracorp
United States District Court Case No. C07-04773-SI
Client-Matter No. 42430 2847J

Dear Judge Illston:

I represent plaintiff Triangle Digital INX Co. in the above referenced lawsuit now pending in your Court. I am pleased to advise the Court that the parties have reached a settlement which entirely resolves this litigation. I have enclosed a Stipulation and Order of Dismissal which has been signed by counsel. We respectfully that you date, sign, and enter the Order of Dismissal.

Thank you for your attention and cooperation.

Very truly yours,

ROPERS, MAJESKI, KOHN & BENTLEY


STEPHAN A. BARBER

SAB:bl

Enclosure

cc: Sarah F. Burke, Esq. (via e-mail)
Robert A. Kitsmiller, Esq. (via e-mail)

Ropers Majeski Kohn & Bentley
A Professional Corporation
San Jose

1 STEPHAN A. BARBER (SBN 70070)
2 ROPERS, MAJESKI, KOHN & BENTLEY
3 50 West San Fernando Street, Suite 1400
4 San Jose, CA 95113
5 Telephone: (408) 287-6262
6 Facsimile: (408) 918-4501
7 sbarber@rmkb.com

8 Attorneys for Plaintiff
9 TRIANGLE DIGITAL INX CO. on behalf of itself
10 and as the successor-in-interest to TRIANGLE
11 DIGITAL, LLC

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 OAKLAND DIVISION

15 TRIANGLE DIGITAL INX CO., a
16 Delaware corporation, on behalf of itself
17 and as the successor-in-interest to
18 TRIANGLE DIGITAL, LLC, California
19 Residents,
20 Plaintiff,
21
22 v.
23 SPECTRACORP, INC., a Colorado
24 corporation,
25 Defendant.

CASE NO. C07-04773 SI

**STIPULATION AND ORDER OF
DISMISSAL**

26 It is hereby stipulated between Plaintiff and Counter-Defendant TRIANGLE DIGITAL
27 INX CO., by and through its attorney Stephan A. Barber, and Defendant and Counter-Claimant
28 SPECTRACORP, INC., by and through its attorney Sarah H. Burke, as follows:

- 29 1. The Complaint filed by TRIANGLE DIGITAL INX CO. is dismissed with
30 prejudice;
- 31 2. The Counter-Complaint filed by SPECTRACORP, INC. is dismissed with
32 prejudice;
- 33 3. TRIANGLE DIGITAL INX CO. and SPECTRACORP, INC. shall each bear its
34 own attorney's fees and costs; and

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Ropers Majeski Kohn & Bentley
A Professional Corporation
San Jose

4. The trial date of January 9, 2009 and all other Court dates and deadlines are vacated.

Dated: October 22, 2008

ROPER, MAJESKI, KOHN & BENTLEY

By: Stephan A Barber
STEPHAN A. BARBER
Attorneys for Plaintiff and Counter-Defendant TRIANGLE DIGITAL INX CO.

Dated: October 22, 2008

DRATH, CLIFFORD, MURPHY & HAGEN, LLP

By: Sarah F. Burke
SARAH F. BURKE
Attorneys for Defendant and Counter-Claimant SPECTRACORP, INC.

ORDER OF THE COURT

The above stipulation of the parties is accepted by the Court. The Complaint and Counter-Claim filed herein are dismissed with prejudice. The trial date and all Court dates and deadlines are vacated.

Dated: _____

Susan B. Illston
Hon. SUSAN B. ILLSTON
DISTRICT COURT JUDGE