

1 ANNE-LEITH MATLOCK
 2 MATLOCK LAW GROUP,
 3 A Professional Corporation
 4 1485 Treat Blvd., Suite 200
 5 Walnut Creek, CA 94597
 6 Phone: (925) 944-7131
 7 Fax: (925) 944-7138
 8 E-mail: anne-leith@matlocklawgroup.com

9 *Attorneys for Plaintiff*
 10 THE TONYTAIL COMPANY, INC.

11 THOMAS F. FITZPATRICK
 12 GOODWIN PROCTER LLP
 13 135 Commonwealth Drive
 14 Menlo Park, California 94025
 15 Telephone: 650-752-3100
 16 Facsimile: 650-853-1038
 17 E-Mail: TFitzpatrick@goodwinprocter.com

18 ELEANOR M. HYNES (*Pro Hac Vice*)
 19 GOODWIN PROCTER LLP
 20 901 New York Avenue, N.W.
 21 Washington, D.C. 20001
 22 Telephone: 202-346-4000
 23 Facsimile: 202-346-4444
 24 Email: EHynes@goodwinprocter.com

25 *Attorneys For Defendants*
 26 CONAIR CORPORATION and RITE AID HDQTRS. CORP.

27 **UNITED STATES DISTRICT COURT**
 28 **NORTHERN DISTRICT OF CALIFORNIA**
SAN FRANCISCO DIVISION

29 THE TONYTAIL COMPANY, INC.
 30 a Delaware Corporation,

31 Plaintiff,

32 v.

33 CONAIR, a Delaware Corporation;
 34 SCUNCI INTL., Ltd., a Delaware
 35 Corporation; RITE AID, a Delaware
 36 Corporation; L&N Sales & Marketing,
 37 Inc., and DOES 1-10, inclusive,

38 Defendants.

CASE NO. 3:07-cv-05895-WHA

~~PROPOSED~~ ORDER OF DISMISSAL

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

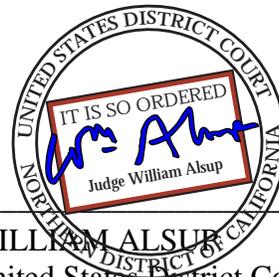
THIS MATTER having been brought before the Court by Plaintiff The Tonytail Company, Inc. and Defendants Conair Corporation and Rite Aid HDQTRS. Corp, pursuant to the stipulation executed by the parties and submitted to this Court, and for other good cause shown,

IT IS HEREBY ORDERED that:

- (1) all of Plaintiff's causes of action are hereby dismissed with prejudice;
- (2) Defendants' counterclaims with respect to non-infringement are dismissed prejudice;
- (3) Defendants' counterclaims with respect to invalidity are dismissed without prejudice;
- (4) within 30 days of this stipulation, either party may file an Order to Show Cause setting forth why this lawsuit should be reinstated.

IT IS SO ORDERED.

Dated: September 30, 2008.



WILLIAM ALSOP
United States District Court Judge
Northern District of California
San Francisco Division