

1 LYNN H. PASAHOW (CSB NO. 054283)
 2 lpasahow@fenwick.com
 3 VIRGINIA K. DEMARCHI (CSB NO. 168633)
 4 vdemarchi@fenwick.com
 5 DARREN E. DONNELLY (CSB NO. 194335)
 6 ddonnelly@fenwick.com
 7 KIMBERLY I. CULP (CSB NO. 238839)
 8 kculp@fenwick.com
 9 LAUREN E. WHITTEMORE (CSB NO. 255432)
 10 lwhittemore@fenwick.com
 11 FENWICK & WEST LLP
 12 Silicon Valley Center
 13 801 California Street
 14 Mountain View, CA 94041
 15 Telephone: (650) 988-8500
 16 Facsimile: (650) 938-5200

17 Attorneys for Defendant
 18 NETFLIX, INC.

19 UNITED STATES DISTRICT COURT
 20 NORTHERN DISTRICT OF CALIFORNIA

FENWICK & WEST LLP
 ATTORNEYS AT LAW
 MOUNTAIN VIEW

21 REFINED RECOMMENDATION
 22 CORPORATION,

23 Plaintiff,

24 v.

25 NETFLIX, INC.,

26 Defendant.

Case No. 3:08-CV-01081 (JSW) (JCS)

**STIPULATION FOR DISMISSAL AND
~~PROPOSED~~ ORDER**

27 Plaintiff Refined Recommendation Corporation (“RRC”) and defendant Netflix, Inc.
 28 (“Netflix”), by and through their counsel, hereby stipulate and agree pursuant to Rule 41(a) of the
 Federal Rules of Civil Procedure, that all claims by RRC against Netflix and all counterclaims by
 Netflix against RRC in the above-entitled action be dismissed with prejudice. Each party to this
 stipulation shall bear its own attorneys’ fees, costs and expenses incurred in connection with the
 action.

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Respectfully submitted,

Dated: September 24, 2008

ZIMMERMAN, LEVI & KORSINSKY, L.L.P.

By: /s/Jean-Marc Zimmerman

Jean-Marc Zimmerman (pro hac vice)

Attorneys for Plaintiff
REFINED RECOMMENDATIONS CORPORATION

Dated: September 24, 2008

FENWICK & WEST LLP

By: /s/Virginia K. DeMarchi

Virginia K. DeMarchi

Attorneys for Defendant
NETFLIX, INC.

IT IS SO ORDERED.

Dated: September 24, 2008


HONORABLE JEFFREY S. WHITE
United States District Judge

FENWICK & WEST LLP
ATTORNEYS AT LAW
MOUNTAIN VIEW

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ATTESTATION

I, Virginia K. DeMarchi, attest that concurrence in the filing of this document has been obtained from Jean-Marc Zimmerman, counsel for plaintiff Refined Recommendations Corporation.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 24th day of September, 2008 in Mountain View, California.

/s/Virginia K. DeMarchi
Virginia K. DeMarchi

FENWICK & WEST LLP
ATTORNEYS AT LAW
MOUNTAIN VIEW