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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

CONTINENTAL D.I.A. DIAMOND  
PRODUCTS, INC., a California corporation,  
  
Plaintiff,  
  
vs.  
  
DONG YOUNG DIAMOND INDUSTRIAL  
CO., LTD., a South Korean company,  
DONGSOO LEE, an individual, and DOES 1-  
10, inclusive,  
  
Defendants.  
  
AND RELATED COUNTERCLAIMS.

Case No. CV 08-2136 SI  
  
**STIPULATION AND [PROPOSED]  
ORDER DISMISSING DEFENDANTS’  
FIFTH AND SEVENTH CAUSES OF  
ACTION ASSERTED IN THEIR  
AMENDED COUNTERCLAIMS WITH  
PREJUDICE**  
  
Judge: Honorable Susan Illston  
  
Complaint Filed: April 24, 2008  
Trial Date: February 16, 2010

Continental D.I.A. Diamond Products, Inc. (“Continental”) and Dong Young Diamond Industrial Co., Ltd. and DongSoo Lee (collectively “Defendants”), by and through their undersigned counsel, hereby stipulate that the following counterclaims asserted by Defendants against Continental in their Amended Counterclaims (Dkt. No. 113) are hereby dismissed with prejudice:

1. The Fifth Cause of Action for Intentional Interference with Prospective Economic Advantage and Punitive Damages; and

2. The Seventh Cause of Action for Commercial Defamation.

1 Continental and Defendants further stipulate that Defendants will file a further amended  
2 counterclaim removing these causes of action and the allegations related thereto within ten (10)  
3 court days of the Court's entry of dismissal. Defendants will provide Continental with a proposed  
4 amended counterclaim for review before filing.

5 **IT IS SO STIPULATED BY THE PARTIES.**

6  
7 Dated: August 7, 2009

MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO P.C.

8 /s/ Jeffrey M. Ratinoff

9 By: JEFFREY M. RATINOFF

10 Attorneys for Plaintiff and Counter-Defendant,  
11 Continental D.I.A. Diamond Products, Inc.

12 Dated: August 7, 2009

PRETI FLAHERTY BELIVEAU & PACHIOS, LLP

13 /s/ Alfred C. Frawley

14 By: ALFRED C. FRAWLEY

15 Attorneys for Defendants and Counterclaimants,  
16 Dong Young Diamond Industrial Co., Ltd., and DongSoo Lee

17 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

18  
19  
20 Dated: \_\_\_\_\_

21 

22 THE HONORABLE SUSAN ILLSTON  
23 UNITED STATES DISTRICT COURT JUDGE