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6 Attorneys for Plaintiff
 MACROTRON SYSTEMS, INC.
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8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 San Francisco Division

11	MACROTRON SYSTEMS,)	Case No. C-08-04476-MHP
12	Plaintiff,)	STIPULATION AND [PROPOSED] ORDER RE DEFENDANTS' MOTIONS TO DISMISS AND PLAINTIFF'S FIRST AMENDED COMPLAINT
13	v.)	
14	FICO B.V., et al,)	
15	Defendants.)	
16)	

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1 WHEREAS, on January 9, 2008, Plaintiff filed a Complaint for Breach of
2 Contract and Fraud (the "Complaint") against Defendants FICO B.V. ("FICO"), BESI NORTH
3 AMERICA, INC. ("BESI") and BE SEMICONDUCTOR INDUSTRIES N.V. ("BE")
4 (collectively, "Defendants") in Alameda County Superior Court;

5 WHEREAS, on September 24, 2008, Defendants removed the Complaint to this
6 Court;

7 WHEREAS, Defendants BESI and BE filed Motions to Dismiss for Lack of
8 Personal Jurisdiction, which are set for hearing on December 15, 2008;

9 WHEREAS, FICO filed a Motion to Dismiss Plaintiff's Second Cause of Action
10 for Fraud and Deceit, which is also set for hearing on December 15, 2008;

11 WHEREAS, on November 24, 2008, Plaintiff agreed to file a First Amended
12 Complaint for Breach of Contract and Fraud pleading fraud with more specificity and to also
13 dismiss BESI and BE from this action;

14 IT IS HEREBY STIPULATED AND AGREED as follows:

- 15 1. Defendants Motions to Dismiss are hereby withdrawn;
- 16 2. BESI and BE are hereby dismissed with prejudice;
- 17 3. BESI and BE waive any and all attorneys' fees and/or costs incurred in
18 this action or the Alameda County Superior Court action that was removed; and
- 19 4. Plaintiff shall file a First Amended Complaint for Breach of Contract and
20 Fraud pleading fraud with more specificity within seven (7) days after the Court signs this order.

21 IT IS SO STIPULATED.

22 Dated: November 24, 2008

LAW OFFICE OF DEREK A. ELETICH

/s/ Derek A. Eletich

24 By: _____
25 DEREK A. ELETICH

26 Attorney for Plaintiff
27 MACROTRON SYSTEMS, INC.
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Dated: November 24, 2008

WILMER, CUTLER, PICKERING, HALE and
DORR LLP

/s/ Keith L. Slenkovich

By: _____
KEITH L. SLENKOVICH

Attorney for Defendants
FICO B.V., BESI NORTH AMERICA, INC. and
BE SEMICONDUCTOR INDUSTRIES N.V.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 11/25/2008 _____

HONORABLE MARILYN HALL PATIL

