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9 Attorneys for Plaintiff
 10 ORACLE USA, INC.

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 SAN FRANCISCO DIVISION

15 ORACLE USA, INC., a Colorado Corporation,

16 Plaintiff

18 v.

19 XL GLOBAL SERVICES, INC., a Delaware
 20 Corporation,

21 Defendant.

Case No.: CV 09-0537 MHP

22 STIPULATION AND ~~PROPOSED~~ ORDER OF
 23 DISMISSAL WITH PREJUDICE PURSUANT
 24 TO RULE 41(a)

25 AND RELATED COUNTERCLAIM

26 Pursuant to Federal Rule of Civil Procedure 41(a) and the parties' settlement agreement
 27 effective November 18, 2009, the parties, by and through their respective undersigned attorneys,
 28 stipulate as follows:

1 1. The Complaint filed by Oracle USA, Inc., and each and every claim set forth therein,
2 shall be dismissed with prejudice.

3 2. The Counterclaim filed by XL Global Services, Inc., and each and every claim set
4 forth therein, shall be dismissed with prejudice.

5 3. Oracle USA and XL Global Services each waive all rights to recover costs and
6 attorneys' fees from the other party.

7 SO STIPULATED.

8 DATED: December 17, 2009

JAMES A. HUGHES
SULLWOLD & HUGHES

9
10 By: _____ /S/
11 James A. Hughes
12 Attorneys for Plaintiff and
13 Counterdefendant
14 ORACLE USA, INC.

15 DATED: December 17, 2009

SOMMERS & SCHWARTZ LLP

16 By: _____ /S/
17 Andrew H. Schwartz
18 Attorneys for Defendant and
19 Counterclaimant
20 XL GLOBAL SERVICES, INC.

21 *Filer's Attestation: Pursuant to General Order No. 45, Section X(B), the filer hereby attests that the*
22 *signatories' concurrence in the filing of this document has been obtained.*
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ORDER

The parties to this action having so stipulated;

IT IS ORDERED:

(1) The Complaint filed by Oracle USA, Inc. is hereby DISMISSED WITH PREJUDICE.

(2) The Counterclaim filed by XL Global Services, Inc. is hereby DISMISSED WITH PREJUDICE.

(3) Each party to this action shall bear its own costs and attorneys' fees.

DATED: 12/18/2009

