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15 *Attorneys for Plaintiff*
 16 *IMPLICIT NETWORKS, INC.*

17 UNITED STATES DISTRICT COURT
 18 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 19 SAN FRANCISCO DIVISION

20 IMPLICIT NETWORKS, INC.,
 21 Plaintiff,
 22 v.
 23 INTERNATIONAL BUSINESS MACHINES
 24 CORPORATION, ORACLE CORPORATION,
 25 SAP AMERICA, INC., AND ADOBE
 26 SYSTEMS INCORPORATED,
 Defendants.

Case No. CV 09-1342 SI

**STIPULATED MOTION FOR
 DISMISSAL OF COUNTERCLAIM
 OF SAP AMERICA, INC. WITH
 PREJUDICE AND PROPOSED
 ORDER**

1
2 The Plaintiff, Implicit Networks, Inc. (“Implicit”), and Defendant SAP America, Inc.
3 (“SAP”), pursuant to Rule 41 of the Federal Rules of Civil Procedure, hereby stipulate and
4 move for an order dismissing in their entirety all counterclaims asserted in this action by SAP
5 against Implicit WITH PREJUDICE, with each party to bear its own costs, expenses and
6 attorneys’ fees.

7 Dated: May 21, 2009

HOSIE RICE LLP

/s/ Spencer Hosie

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Date: May 21, 2009

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I hereby attest pursuant to General Order 45.X.B. that concurrence in the electronic filing of this document has been obtained from the other signatories.

DATED: May 21, 2009

/s/ Spencer Hosie
Spencer Hosie

1 **IT IS SO ORDERED.**

2 DATED this ___ day of May, 2009.



3
4 HONORABLE SUSAN ILLSTON
5 UNITED STATES DISTRICT JUDGE
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