

1 SPENCER HOSIE (CA Bar No. 101777)
 shosie@hosielaw.com
 2 BRUCE WECKER (CA Bar No. 078530)
 bwecker@hosielaw.com
 3 GEORGE F. BISHOP (CA Bar No. 89205)
 gbishop@hosielaw.com
 4 HOSIE RICE LLP
 188 The Embarcadero, Suite 750
 5 San Francisco, CA 94105
 6 (415) 247-6000 Tel.
 (415) 247-6001 Fax

7
 8 *Attorneys for Plaintiff*
 IMPLICIT NETWORKS, INC.

9 *Additional counsel listed on signature pages*

10
 11 UNITED STATES DISTRICT COURT
 12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

13 IMPLICIT NETWORKS, INC.,

14 Plaintiff,

15 v.

16 INTERNATIONAL BUSINESS MACHINES
 17 CORPORATION, ORACLE CORPORATION,
 18 SAP AMERICA, INC., AND ADOBE
 SYSTEMS INCORPORATED,

19 Defendants.

Case No. CV 09-1342 SI

**STIPULATED MOTION TO DISMISS
 PURSUANT TO FED. R. CIV. P. 41(a)(2)
 AND PROPOSED ORDER**

21 Plaintiff Implicit Networks, Inc. (“Implicit”) and Defendant Adobe Systems
 22 Incorporated (“Adobe”) hereby request, pursuant to Fed. R. Civ. P. 41(a)(2), that all of
 23 Implicit’s claims against Adobe in the above-captioned action be dismissed with prejudice,
 24 and that all of Adobe’s counterclaims against Implicit in the above-captioned action be
 25 dismissed without prejudice with each party to bear its own costs, expenses and attorneys’
 26

1 fees. The parties further request that the Court retain jurisdiction to enforce the terms of the
2 parties' settlement agreement.

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4 Dated: April 2, 2009

/s/ George F. Bishop

5 Spencer Hosie
6 shosie@hosielaw.com
7 Bruce Wecker
8 bwecker@hosielaw.com
9 George F. Bishop
10 gbishop@hosielaw.com
11 HOSIE RICE LLP
12 188 The Embarcadero, Suite 750
13 San Francisco, California 94105
14 Telephone: (415) 247-6000
15 Facsimile: (415) 247-6001

*Attorney for Plaintiff
Implicit Networks, Inc.*

16
17 Date: April 2, 2009

/s/ Jason W. Wolff

18 Jason W. Wolff (CA Bar No. 215819)
19 FISH & RICHARDSON P.C.
20 12390 El Camino Real
21 San Diego, CA 92130
22 Telephone: (858) 678-5070
23 E-mail: wolff@fr.com

24 Frank E. Scherkenbach (CA Bar No. 142549)
25 FISH & RICHARDSON P.C.
26 225 Franklin Street
27 Boston, MA 02110-2804
28 Telephone: (617) 542-5070
Email: scherkenbach@fr.com

Attorney for Defendant Adobe Systems, Incorporated

CERTIFICATION PURSUANT TO GENERAL ORDER 45

Pursuant to General Order 45X.B, I, George Bishop, attest that the above signatories have concurred and consented to the filing of this document.

DATED: April 2, 2009

/s/ George F. Bishop
George F. Bishop

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1 **PURSUANT TO STIPULATION IT IS SO ORDERED**

2 Dated: April __, 2009



3 _____
4 Honorable Susan Illston
5 JUDGE OF THE U.S. DISTRICT COURT

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