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15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA
 17 SAN FRANCISCO DIVISION

18 PLANTRONICS, INC.

20 Plaintiff

21 v.

23 ALIPH, INC. and ALIPHCOM, INC.,

24 Defendants.

Case No. C 09-01843 CRB

**STIPULATION AND ~~[PROPOSED]~~
 ORDER DISMISSING CASE WITHOUT
 PREJUDICE**

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 STIPULATION AND [PROPOSED]
 ORDER DISMISSING CASE
 C 09-01843 CRB

1 Plaintiff Plantronics, Inc. (“Plantronics”), by and through its undersigned counsel, and
2 Defendants Aliph, Inc. and AliphCom, Inc. (collectively, “Aliph”), by and through their
3 undersigned counsel, submit the following stipulation of dismissal without prejudice pursuant to
4 Rule 41(a)(1) of the Federal Rules of Civil Procedure:

5 WHEREAS, on January 15, 2009, Plantronics filed suit against Aliph in the Eastern
6 District of Texas (case number 6:09-cv-24, the “Texas Action”);

7 WHEREAS, on March 23, 2009, the court granted Aliph’s motion to transfer the Texas
8 Action to the Northern District of California;

9 WHEREAS, on April 14, 2009, the Texas Action was transferred to the Northern District
10 of California, and became Case No. 3:09-cv-01714 (the “Judge Breyer Action”);

11 WHEREAS, on April 28, 2009, the Texas Action was erroneously transferred again to the
12 Northern District of California, and became the instant action, Case No. 3:09-cv-01843 (the
13 “Judge James Action”);

14 WHEREAS, on May 5, 2009, the Court issued an order relating the Judge James Action to
15 the Judge Breyer Action;

16 WHEREAS, the parties agree that the Judge James Action was erroneously opened and is
17 duplicative of the Judge Breyer Action;

18 ACCORDINGLY, the parties agree that the Judge James Action (Case No. 3:09-cv-
19 01843) should be dismissed without prejudice, pursuant to Rule 41(a)(1) of the Federal Rules of
20 Civil Procedure, without any effect on the Judge Breyer Action (Case No. 3:09-01714), and
21 request that the Court order the same.

22 IT IS SO STIPULATED.
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Dated: November 3, 2009

IRELL & MANELLA LLP

By: /s/ Brian D. Krechman

Brian D. Krechman
Attorneys for Plaintiff
PLANTRONICS, INC.

Dated: November 3, 2009

MORRISON & FOERSTER LLP
TOWNSEND & TOWNSEND & CREW LLP

By: /s/ Susan V. Vaughan

Susan V. Vaughan
Attorneys for Defendants
ALIPH, INC. and ALIPHCOM, INC.

Filer's Attestation:

I, Brian D. Krechman, am the ECF user whose identification and password are being used to file this **STIPULATION AND [PROPOSED] ORDER DISMISSING CASE**. In compliance with General Order 45.X.B, I hereby attest that Susan V. Vaughan concurs in this filing.

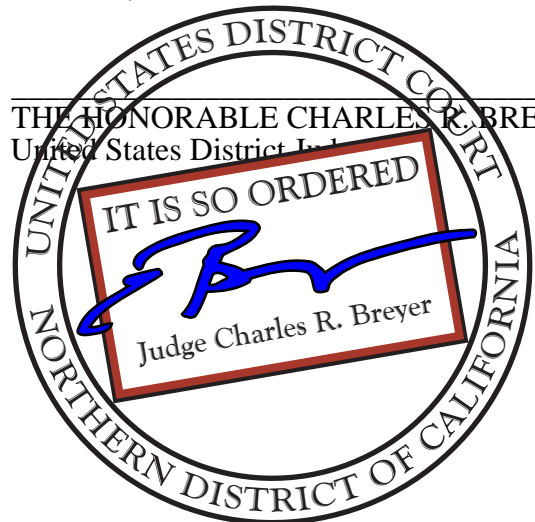
By: /s/ Brian D. Krechman

Brian D. Krechman

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: Nov. 10, 2009

THE HONORABLE CHARLES R. BREYER
United States District Judge



STIPULATION AND [PROPOSED]
ORDER DISMISSING CASE
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