

1 CHRISTOPHER D. BANYS (CA SBN 230038)
 cdb@lanierlawfirm.com
 2 DANIEL W. BEDELL (CA SBN 254912)
 dwb@lanierlawfirm.com
 3 THE LANIER LAW FIRM, P.C.
 2200 Geng Road, Suite 200
 4 Palo Alto, CA 94303
 Telephone: (650) 322-9100
 5 Facsimile: (650) 322-9103

6 Attorneys for Plaintiff and Counterdefendant
 MITCHELL PRUST

7
 8 MICHAEL A. JACOBS (CA SBN 111664)
 MJacobs@mofo.com
 RICHARD S.J. HUNG (CA SBN 197425)
 9 RHung@mofo.com
 MORRISON & FOERSTER LLP
 10 425 Market Street
 San Francisco, California 94105-2482
 11 Telephone: (415) 268-7000
 Facsimile: (415) 268-7522

12 RUDY Y. KIM (CA SBN 199426)
 13 RudyKim@mofo.com
 MORRISON & FOERSTER LLP
 14 755 Page Mill Road
 Palo Alto, California 94304-1018
 15 Telephone: (650) 813-5600
 Facsimile: (650) 494-0792

16 Attorneys for Defendant and Counterclaimant
 17 APPLE INC.

18
 19 UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 20 SAN FRANCISCO DIVISION

21 MITCHELL PRUST,
 22 Plaintiff,

23 v.

24 APPLE INC.,
 25 Defendant.

26 AND RELATED COUNTERCLAIMS
 27

Case No. 3:09-cv-05241-EDL

**STIPULATION AND ~~PROPOSED~~
 ORDER REGARDING DISMISSAL**

1 The parties, through their respective undersigned counsel, hereby stipulate pursuant to
2 Fed. R. Civ. P. 41(a)(1) that: (1) all claims for relief asserted against APPLE INC. by
3 MITCHELL PRUST herein are dismissed with prejudice; (2) all counterclaims for relief against
4 MITCHELL PRUST by APPLE INC. are dismissed without prejudice; and (3) all attorneys' fees,
5 costs of court and expenses shall be borne by each party incurring the same.

6 Dated: June 9, 2010

CHRISTOPHER D. BANYS
DANIEL W. BEDELL
THE LANIER LAW FIRM, P.C.

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9 By: /s/ Christopher D. Banys
CHRISTOPHER D. BANYS

10 Attorneys for Plaintiff and Counterdefendant
11 MITCHELL PRUST

12 Dated: June 9, 2010

MICHAEL A. JACOBS
RUDY Y. KIM
RICHARD S.J. HUNG
MORRISON & FOERSTER LLP

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14
15 By: /s/ Rudy Y. Kim
RUDY Y. KIM

16 Attorneys for Defendant and Counterclaimant
17 APPLE INC.

18 UPON STIPULATION of the parties, and good cause appearing therefore, it is hereby
19 ORDERED, ADJUDGED and DECREED that: (1) all claims for relief asserted against APPLE
20 INC. by MITCHELL PRUST herein are dismissed with prejudice; (2) all counterclaims for relief
21 against MITCHELL PRUST by APPLE INC. are dismissed without prejudice; and (3) all
22 attorneys' fees, costs of court and expenses shall be borne by each party incurring the same.

23 IT IS SO ORDERED.

24 Dated: June 9, 2010

25 Elizab^h D. Laporte
26 THE HON. ELIZABETH D. LAPORTE
27 UNITED STATES MAGISTRATE JUDGE
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