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 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN FRANCISCO DIVISION

12 NVIDIA CORPORATION,
 13 Plaintiff,
 14 v.
 15 RAMBUS INC.,
 16 Defendant.

Case No. 3:09-CV-05326-MMC

**STIPULATION OF DISMISSAL AND
~~PROPOSED~~ ORDER**

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1 Rambus Inc. and NVIDIA Corporation (collectively, the "Parties") hereby submit the
2 following joint stipulation and proposed order:

3 The Parties agree that this case (the "09-5326 Case") is a duplicate of case number C-08-
4 5500-SI, also styled *Nvidia Corp. v. Rambus Inc.* (the "08-5500 Case"), pending in this district
5 before Judge Illston. The Parties understand that the duplication occurred because the December
6 2, 2008 letter from the U.S. District Court for the Middle District of North Carolina, which
7 transferred the *Nvidia Corp. v. Rambus Inc.* case to the Northern District California, initiated two
8 separate cases in the Northern District.

9 On December 8, 2008, the letter initiated the 08-5500 Case (*see* 08-5500 Case Doc. No.
10 1), which was consolidated with an earlier-filed related case, C-08-3343-SI, styled *Rambus Inc. v.*
11 *Nvidia Corp.* ("08-3343 Case"). The Parties have appeared and conducted various proceedings
12 before Judge Illston in the 08-3343 and 08-5500 cases. On November 10, 2009, the letter also
13 initiated the duplicate 09-5326 Case (*see* 09-5326 Case Doc. No. 35).

14 In light of the foregoing, Rambus and NVIDIA hereby stipulate as follows:

- 15 1. The 09-5326 Case should be dismissed without prejudice;
- 16 2. By this stipulation, the Parties do not intend to affect in any way the 08-5500 Case
17 or the 08-3343 Case pending before Judge Illston.

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19 Dated: March 16, 2010

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Dated: March 16, 2010

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PURSUANT TO STIPULATION, IT IS SO ORDERED:

Dated: March 17, 2010


HONORABLE MAXINE M. CHESNEY
United States District Judge