

1 DICKSTEIN SHAPIRO LLP  
 2 Alfred R Fabricant (admitted *pro hac vice*)  
 3 fabricanta@dicksteinshapiro.com  
 4 Lawrence C. Drucker (admitted *pro hac vice*)  
 5 druckerl@dicksteinshapiro.com  
 6 Cindy Yang (admitted *pro hac vice*)  
 7 yangc@dicksteinshapiro.com  
 8 Bryan N. DeMatteo (admitted *pro hac vice*)  
 9 dematteob@dicksteinshapiro.com  
 10 1633 Broadway  
 11 New York, NY 10019-6708  
 12 Telephone: (212) 277-6500  
 13 Fax: (212) 277-6501

9 Attorneys for Plaintiff  
 10 BALTHASER ONLINE, INC.

11 PATTERSON & SHERIDAN LLP  
 12 John C. Carey (SBN 214800)  
 13 250 Cambridge Ave., Suite 300  
 14 Palo Alto, CA 94306  
 15 Telephone: 650-330-2310  
 16 Fax: 650-330-2314  
 17 jcarey@pattersonsheridan.com

16 Attorneys for Defendant  
 17 FRIENDSTER, INC.

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

21 BALTHASER ONLINE, INC.,

22 Plaintiff,

23 v.

24 ART STAR DESIGN LLC, et al.

25 Defendants.

No. 5:09-cv-05422-JF

**[PROPOSED] ORDER RE  
 STIPULATION ON DISMISSAL OF  
 DEFENDANT FRIENDSTER, INC.**

1 \_\_\_\_\_

2

3           **WHEREAS**, (1) on November, 4, 2008, Plaintiff Balthaser Online, Inc. (“Balthaser”)

4 filed a Complaint in the United States District Court for the Eastern District of Texas, Marshall

5 Division, commencing Civil Action No. 2:08-cv-430 (DF) (the “E.D. Texas Action”) against, among

6 others, Defendant Friendster, Inc. (“Friendster”); (2) on January 5, 2009, Friendster filed an Answer

7 and Affirmative Defenses to Plaintiff’s Complaint; (3) on January 15, 2009, Balthaser filed a First

8 Amended Complaint; (4) on February 2, 2009, Friendster filed an Answer and Affirmative Defenses

9 to Plaintiff’s First Amended Complaint; (5) on September 15, 2009, an Order concerning California

10 Defendants’ Motion to Transfer Venue was issued transferring the E.D. Texas Action with respect to

11 California Defendants, including Friendster, to this District; (6) on November 17, 2009, the E.D.

12 Texas Action was transferred to this District and assigned to the Honorable Patricia V. Trumbell;

13 and (7) on December 15, 2009, the E.D. Texas Action was reassigned to this Court.

15           **WHEREAS**, Balthaser and Friendster (individually, the “Party”; collectively, the

16 “Parties”) have reached a mutually satisfactory resolution of all issues between them that were the

17 subject of the E.D. Texas Action and the above-styled action (collectively, “the Action”);

18

19           **WHEREAS**, Balthaser and Friendster have filed a Stipulation on Dismissal of

20 Defendant Friendster, Inc. and [Proposed] Order (the “Stipulation”) with this Court advising the

21 Court that the Parties have reached a mutually satisfactory resolution of all issues between them that

22 were subject of the Action;

23           **NOW, THEREFORE**, after considering the Stipulation, the Court is of the opinion

24 that the Stipulation should be granted and therefore, it is hereby **ORDERED, ADJUDGED AND**

25 **DECREED THAT:**

26

1           1.     All claims and counterclaims asserted by either Party in the Action against the  
2 other are hereby dismissed with prejudice;

3           2.     Each Party shall bear its own costs, expenses and attorneys' fees associated  
4 with the prosecution and defense of the Action;

5           3.     All unresolved pending motions in the Action between the Parties shall be  
6 denied as moot; and

7           4.     This Court shall retain jurisdiction over this matter for purposes of  
8 enforcement of the settlement.

9                   January 4, 2010

10 DATED: ~~December 22, 2009~~



11 Honorable Jeremy Fogel  
12 United States District Judge