

E-Filed 5/11/10

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21
 22 **UNITED STATES DISTRICT COURT**
 23 **NORTHERN DISTRICT OF CALIFORNIA**
 24 **SAN JOSE DIVISION**

25
 26 BALTHASER ONLINE, INC.,

27 Plaintiff,

No. 5:09-cv-05422-RS

1 v.

2
3 ART STAR DESIGN LLC, et al.

4 Defendants.

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

5
6 **WHEREAS**, (1) on November, 4, 2008, Plaintiff Balthaser Online, Inc. (“Balthaser”) filed a
7 Complaint in the United States District Court for the Eastern District of Texas, Marshall Division,
8 commencing Civil Action No. 2:08-cv-430 (DF) against, among others, Defendant Swatchbox
9 Technolgies, Inc. (“Swatchbox”); (2) on January 12, 2009, Swatchbox filed an Answer and
10 Affirmative Defenses to Plaintiff’s Complaint; (3) on January 15, 2009, Balthaser filed a First
11 Amended Complaint; (4) on February 2, 2009, Swatchbox filed an Answer and Affirmative
12 Defenses to Plaintiff’s First Amended Complaint; (5) on September 15, 2009, an Order concerning
13 California Defendants’ Motion to Transfer Venue was issued transferring the action with respect to
14 California Defendants, including Swatchbox, to this Court; (6) on November 17, 2009, the E.D.
15 Texas Action was transferred to this District and assigned to the Honorable Patricia V. Trumbull; (7)
16 on December 15, 2009, the above-styled action was reassigned to Honorable Jeremy Fogel; and (8)
17 on March 18, 2010, the above-styled action was reassigned to this Court.

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19
20 **WHEREAS**, Balthaser and Swatchbox have reached a mutually satisfactory resolution of all
21 issues between them that were the subject of Civil Action No. 2:08-cv-430 (DF) and the above-
22 styled action (collectively, the “Action”);

23 **WHEREAS**, Balthaser and Swatchbox have filed a Stipulation on Dismissal of Defendant
24 Swatchbox Technologies, Inc. (the “Stipulation”) with this Court advising the Court that the parties
25 have reached a mutually satisfactory resolution of all issues between them that were subject of this
26 Action;
27

1 **NOW, THEREFORE**, after considering the Stipulation, the Court is of the opinion that the
2 Stipulation should be granted and therefore, it is hereby **ORDERED, ADJUDGED AND**
3 **DECREED THAT:**

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

6 2. Each party shall bear its own costs, expenses and attorneys' fees associated
7 with the prosecution and defense of this Action; and

8 3. This Court shall retain jurisdiction over this matter for purposes of
9 enforcement of the settlement.
10

11
12 Dated: May 11, 2010



Honorable Richard Seeborg
United States District Court Judge