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27 PUMA NORTH AMERICA, INC.

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[Proposed] Order Dismissing Defendant Puma North America, Inc.

No. 3:09-cv-05422-RS

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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

BALTHASER ONLINE, INC.,

Plaintiff,

v.

ELECTRONIC ARTS, INC, et al.

Defendants.

No. 3:09-cv-05422-RS

**~~PROPOSED~~ ORDER DISMISSING  
DEFENDANT PUMA NORTH  
AMERICA, INC.**

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

24                   **WHEREAS**, Balthaser and Puma (individually, the “Party”; collectively, the “Parties”) have filed a Stipulation of Dismissal (the “Stipulation”) with this Court;

1                   **NOW, THEREFORE**, after considering the Stipulation, the Court is of the opinion  
2 that the 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;

8                   3.       This Court denies all unresolved pending motions in the Action between the  
9 Parties as moot; and

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

12  
13 **IT IS SO ORDERED.**

14  
15 Dated: 10/28/10



Honorable Richard Seeborg  
United States District Court Judge