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

26 BALTHASER ONLINE, INC.,

No. 3:09-cv-05422-RS

27 Plaintiff,

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~~Proposed~~ Order re Stipulation on Dismissal of Defendant Capcom USA, Inc.
 No. 3:09-cv-05422-RS

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

v.

ELECTRONIC ARTS, INC, et al.

Defendants.

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) against, among others, Defendant Capcom USA, Inc. (“Capcom”); (2) on December 31, 2008, Capcom filed an Answer and Counterclaim; (3) on January 15, 2009, Balthaser filed a First Amended Complaint; (4) on February 2, 2009, Capcom filed an Answer and Counterclaim to First Amended Complaint; (5) 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 Capcom, to this District; (6) on November 17, 2009, the E.D. Texas Action was transferred to this District and assigned to the Honorable Patricia V. Trumbell; (7) on December 15, 2009, the above-styled action was reassigned to the Honorable Jeremy Fogel; and (8) on March 18, 2010, the above-styled action was reassigned to this Court.

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

WHEREAS, Balthaser and Capcom have filed a Stipulation of Dismissal (the “Stipulation”) with this Court advising the Court that the parties have reached a mutually satisfactory resolution of all issues between them that were subject of this Action;

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

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 this Action;

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

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

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10 **IT IS SO ORDERED.**

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13 Dated: 12/3/10



Honorable Richard Seeborg
United States District Court Judge