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11 Attorneys for Defendant, Counterclaimant  
 12 MICROSOFT CORPORATION

13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA  
 15 SAN FRANCISCO DIVISION

16 IMPLICIT NETWORKS, INC.,  
 17 Plaintiff,  
 18 vs.  
 19 MICROSOFT CORPORATION,  
 20 Defendant.

Case No. 3:09-cv-05628 SI

**STIPULATION AND [PROPOSED]  
 ORDER OF DISMISSAL WITHOUT  
 PREJUDICE**

1 Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, Plaintiff Implicit Networks,  
2 Inc. and Defendant Microsoft Corporation (collectively “the parties”) hereby stipulate and jointly  
3 move for an order dismissing, without prejudice all claims that Plaintiff Implicit Networks, Inc.  
4 asserts against Defendant Microsoft Corporation in the above-captioned action. The parties also  
5 stipulate that each of them will bear its own costs and attorneys’ fees.

6  
7 Dated: January 19, 2010

K&L GATES LLP

8  
9 By:           /s/ Michael J. Bettinger          

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28 Attorneys for Defendant  
MICROSOFT CORPORATION



1 Having considered the foregoing stipulation by Plaintiff Implicit Networks, Inc. and  
2 Defendant Microsoft Corporation (collectively “the parties”), IT IS HEREBY ORDERED that  
3 pursuant to Federal Rule of Civil Procedure 41(a)(2):

4 (1) All claims that Plaintiff Implicit Networks, Inc. asserts against Defendant Microsoft  
5 Corporation in the above-captioned action are dismissed without prejudice; and

6 (2) The Parties shall bear their own costs and attorneys’ fees.

7  
8 IT IS SO ORDERED.

9  
10 Dated: \_\_\_\_\_



\_\_\_\_\_  
The Honorable Susan Illston  
UNITED STATES DISTRICT JUDGE

**ATTESTATION**

I, Michael J. Bettinger, am the ECF User whose ID and password are being used to file this Stipulation. In compliance with General Order 45, X.B., I hereby attest that counsel for Plaintiff Implicit Networks, Inc. has concurred in this filing.

Dated: January 19, 2010

/s/ Michael J. Bettinger

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