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 IMPLICIT NETWORKS, INC.

10 Attorneys for Defendant,
 HEWLETT-PACKARD COMPANY

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

16 IMPLICIT NETWORKS, INC.,
 17 Plaintiff,
 18 v.
 19 HEWLETT-PACKARD COMPANY,
 20 Defendant.

Case No. 3:10-CV-3746 SI

**JOINT STIPULATION OF PARTIAL
 DISMISSAL WITHOUT PREJUDICE**

22 Plaintiff and Counterclaim-Defendant Implicit Networks, Inc. (“Implicit”) and Defendant
 23 and Counterclaimant Hewlett-Packard Company (“HP”) (collectively the “Parties”), by and through
 24 their undersigned counsel of record identified below, submit this Joint Stipulation of Dismissal
 25 Without Prejudice, pursuant to Federal Rule of Civil Procedure 41, Subsections 41(a)(1)(A)(ii) and
 26 41(c).
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1 Whereas Implicit and HP have agreed to dismiss **without prejudice** all claims and
2 counterclaims in this Action seeking relief with respect to U.S. Patent Nos. 6,324,685, 6,976,248
3 and 7,774,740 (collectively the “Application Server Patents”), but not to dismiss any other claims in
4 the Complaint or Counterclaim, the Parties hereby jointly submit this Joint Stipulation of Dismissal
5 **Without Prejudice.**

6 Accordingly, Implicit and HP stipulate and agree to, and hereby do, dismiss **without**
7 **prejudice:**

8 (1) From Implicit’s First Amended Complaint (D.I. #24), only the claim identified following
9 and no others:

10 Count II - PATENT INFRINGEMENT (Application Server Patents);

11 (2) From HP’s Counterclaims (D.I. 31), only the counterclaims identified below and no
12 others:

13 **In its entirety:** Count IV License;

14 **Only to the extent the following counts seek relief with respect to the Application**
15 **Server Patents:** Count I Declaratory Relief Regarding Non-Infringement, Count II,
16 Declaratory Relief Regarding Invalidity, Count VI Declaratory Relief Regarding
17 Damages and Count V Exceptional Case.

18 Implicit and HP stipulate and agree, further, that no claim or counterclaim seeking relief
19 with respect to U.S. Patent Nos. 6,629,163 or 7,711,857 (collectively named the “Dynamic Data
20 Flow Patents” in the Complaint) is dismissed hereby.

21 Respectfully submitted this 13th day of October, 2011.

22
23 Dated: October 13, 2011



FISH & RICHARDSON P.C.

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25 By: /s/ Christopher O. Green
26 Christopher O. Green

27 Attorney for Defendant
28 HEWLETT-PACKARD COMPANY

1 Dated: October 13, 2011

HOSIE RICE LLP

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By: /s/ George F. Bishop
George F. Bishop

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Attorney for Plaintiff
IMPLICIT NETWORKS, INC.

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DECLARATION

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Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under penalty of perjury that concurrence in the filing of this document has been obtained from Hewlett-Packard Company counsel.

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Dated: October 13, 2011

HOSIE RICE LLP

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By: /s/ George F. Bishop
George F. Bishop

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Attorney for Plaintiff
IMPLICIT NETWORKS, INC.

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