IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA SAN FRANCISCO DIVISION

MEDIOSTREAM, INC.,	§ §
7	§ Case No. 3:10-cv-05762-RS
Plaintiff,	§ § [PROPOSED] ORDER AND
v.	§ STIPULATION OF DISMISSAL
	§
ACER INC., ET AL.,	§ Judge Richard Seeborg
Defendants.	8 §
	<u> </u>

IT IS HEREBY STIPULATED, by and among Plaintiff MedioStream, Inc. and Defendants Acer America Corp. and Acer, Inc. (collectively the "Parties") through their counsel of record and subject to the approval of the Court that:

- 1. All claims presented by MedioStream, Inc. in this litigation are dismissed with prejudice as to Acer America Corp. and Acer, Inc.;
- 2. All counterclaims presented by Acer America Corp. and Acer, Inc. in this litigation against MedioStream, Inc. are dismissed without prejudice; and
 - 3. The Parties shall bear their own costs and attorneys' fees.

Dated: July 29, 2013

Henry C. Bunsow (State Bar No. 060707) Bunsow De Mory Smith & Allison LLP 55 Francisco Street, Suite 600 San Francisco, CA 94133

Tel: (415) 426-4747 Fax: (415) 426-4744

Email: hbunsow@bdiplaw.com

Byron Cooper (State Bar No. 166578)

530 Lytton Avenue, Suite 200

Palo Alto, CA 94301 Tel: (650) 283-4244 Fax: (650) 617-3201

Email: bcooper@teklaw.co

S. Calvin Capshaw (pro hac vice) Elizabeth L. DeRieux (pro hac vice)

CAPSHAW DeRIEUX, LLP 114 E. Commerce Ave. Gladewater, TX 75647

Tel: (903) 236-9800 Fax: (903) 236-8787

Email: ccapshaw@capshawlaw.com Email: ederieux@capshawlaw.com

Counsel for Plaintiff MedioStream, Inc.

L. Howard Chen
Elaine Y. Chow
Holly A. Hogan
K&L Gates LLP
4 Embarcadero Center
San Francisco, CA 94111
Telephone: (415) 882-8200
Facsimile: (415) 882-8220
howard.chen@klgates.com
elaine.chow@klgates.com
holly.hogan@klgates.com

Counsel for Defendants Acer America Corp. and Acer, Inc.

IT IS SO ORDERED:

Dated: 7/29/13

Hon. Richard Seeborg United States District Judge