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17 Counsel for Subpoenaed Non-Party Exponent, Inc.

18 **UNITED STATES DISTRICT COURT**

19 **NORTHERN DISTRICT OF CALIFORNIA**

20 ADVANCED INTERNET TECHNOLOGIES,
 INC.,

21 Plaintiff,

22 v.

23 DELL, INC. and DELL FINANCIAL
 SERVICES, INC.,

24 Defendants.

Case No. CV 10 80078MISC

**JOINT STIPULATION WITHDRAWING
 MOTION TO HOLD NON-PARTY
 EXPONENT, INC. IN CONTEMPT OF
 SUBPOENAS AND TO COMPEL
 COMPLIANCE**

FRCP 45(e)

**(Master Case Pending in the Eastern District
 of North Carolina, Case No. 5:07-CV-426-H)**

Date: May 7, 2010

Time: 9:00 a.m.

1 Through this Joint Stipulation, Plaintiff Advanced Internet Technologies, Inc. (“AIT”)
2 and non-party Exponent, Inc. (“Exponent”) stipulate and agree to the withdrawal of AIT’s
3 Motion to Hold Non-Party Exponent, Inc. in Contempt of Subpoenas and to Compel
4 Compliance.

5 **JOINT STIPULATION**

6 WHEREAS, the master case for this action is currently pending in the United States
7 District Court for the Eastern District of North Carolina;

8 WHEREAS, on March 30, 2010, AIT filed this Miscellaneous Action to Hold Non-
9 Party Exponent, Inc. in Contempt of Subpoenas and to Compel Compliance;

10 WHEREAS, on April 28, 2010, non-party Exponent produced documents in response
11 to a subpoena issued by AIT; and

12 WHEREAS, Exponent hereby represents that it has produced all documents responsive
13 to the subpoena *duces tecum* and is not withholding any documents based on privilege;

14 IT IS HEREBY STIPULATED that the Motion is withdrawn.

15
16 Dated: May 4, 2010

SCHUBERT JONCKHEER & KOLBE LLP

17 By: _____ /s/

18 Dustin L. Schubert
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20 San Francisco, CA 94111
21 Telephone: (415) 788-4220

22 Local Counsel for Plaintiff Advanced
23 Internet Technologies, Inc.

24 Dated: May 4, 2010

CHITWOOD HARLEY HARNES LLP

25 By: _____ /s/

26 Darren T. Kaplan
27 185 Great Neck Road, Suite 340
28 Great Neck, NY 11021
Telephone: (516) 773-6090

Counsel for Plaintiff Advanced Internet
Technologies, Inc.

1 **ATTESTATION PURSUANT TO GENERAL ORDER 45**

2 I, Dustin L. Schubert, am the ECF User whose identification and password are being used
3 to file this **JOINT STIPULATION WITHDRAWING MOTION TO HOLD NON-PARTY**
4 **EXPONENT, INC. IN CONTEMPT OF SUBPOENAS AND TO COMPEL**
5 **COMPLIANCE.** I hereby attest that the concurrence in the filing of this document has been
6 obtained from the other signatories.

7
8 Dated: May 4, 2010

SCHUBERT JONCKHEER & KOLBE LLP

9
10 By: _____/s/_____
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Local Counsel for Plaintiff Advanced Internet
Technologies, Inc.

1 **PROOF OF SERVICE**

2 I, the undersigned, state that I am a permanent resident of the United States and am
3 employed in the City and County of San Francisco, State of California; that I am over the age of
4 eighteen (18) years and not a party to the within action; that I am employed at Schubert
5 Jonckheer Kolbe LLP, Three Embarcadero Center, Suite 1650, San Francisco, California 94111;
6 that on the date set out below, I served a true copy of the attached

7
8 1. **JOINT STIPULATION WITHDRAWING MOTION TO HOLD NON-
9 PARTY EXPONENT, INC. IN CONTEMPT OF SUBPOENAS AND TO
10 COMPEL COMPLIANCE**

11 on persons listed below, by placing said copy in a sealed envelope with first class postage
12 prepaid and causing it to be delivered to a United States post office box in accordance with
13 procedures maintained by this office to the following addresses:

14 **SEE ATTACHED SERVICE LIST**

15 I declare under the penalty of perjury that the foregoing is true and correct.

16 Executed this 4th day of May, 2010 in San Francisco, California.

17 _____
18 /s/
19 Dustin L. Schubert

1 **SERVICE LIST**

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