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

MEDIOSTREAM, INC.,

Plaintiff,

v.

MICROSOFT CORPORATION, ET AL.,

Defendants.

Case No.: 3:11-cv-2525-RS (JCS)

**STIPULATION AND ~~PROPOSED~~
ORDER DISMISSING ALL CLAIMS
OF '172 PATENT AND ALL CLAIMS
OF '655 PATENT EXCEPT CLAIMS
10 AND 11**

Judge: Hon. Richard G. Seeborg
Place: San Francisco Courthouse,
Courtroom 3 – 17th Floor

1 WHEREAS Plaintiff MedioStream, Inc. (“MedioStream”) hereby represents and
2 warrants that it owns all right, title, and interest in U.S. Patent Nos. 7,283,172 (“the ’172
3 patent”) and 7,009,655 (“the ’655 patent”) (collectively, “the Asserted Patents”);

4 WHEREAS MedioStream alleges that Defendants Acer America Corp., Dell Inc.,
5 Gateway, Inc., Sonic Solutions LLC, Sony Corp., Sony Electronics Inc., and Microsoft Corp.
6 (collectively, “Defendants”) are directly infringing and/or indirectly infringing the Asserted
7 Patents, and further allege that certain Defendants have willfully infringed the Asserted Patents;

8 WHEREAS Defendants deny these allegations and seek a declaration that the Asserted
9 Patents are invalid, unenforceable, and not infringed;

10 WHEREAS on February 8, 2013, the Court issued an Order re Motion to Stay (Dkt. No.
11 873) stating that “Accordingly, on or before February 14, 2013, MedioStream shall file written
12 confirmation that it is electing to dismiss all claims with prejudice except those arising from
13 claims 10 and 11 of the ’655 Patent”; and

14 WHEREAS on February 8, 2013, pursuant to the Court’s Order, MedioStream filed a
15 written confirmation that MedioStream is electing to dismiss all claims of the ’172 patent and all
16 claims of the ’655 patent with prejudice except claims 10 and 11 of the ’655 patent (Dkt. No.
17 874);

18 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and among
19 the undersigned counsel, on behalf of their respective clients:

20 For an order pursuant to Fed. R. Civ. P. 41(a)(2): (1) dismissing all claims and causes of
21 action of MedioStream as to the accused products in the litigation and as to all claims of the
22 ’172 patent and all claims of the ’655 patent with prejudice, except claims 10 and 11 of the ’655
23 patent, and (2) dismissing all counter-claims of the Defendants as to all claims of the ’172 patent
24 and all claims of the ’655 patent without prejudice, except claims 10 and 11 of the ’655 patent.

25 **IT IS SO STIPULATED.**

26
27 Dated: February ____, 2013

Respectfully submitted,

28 /s/ Michael K. Plimack
Michael K. Plimack

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Dated: February ____, 2013

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Attorneys for Plaintiff MedioStream, Inc.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 3/18 ____, 2013



The Hon. Richard G. Seeborg
United States District Court Judge
Northern District of California