

1 Jonathan D. Baker (Cal. Bar No. 196062)
 2 FARNEY DANIELS LLP
 3 411 Borel Ave., Suite 350
 4 San Mateo, California 94402
 Telephone: (424) 268-5210
 Facsimile: (424) 268-5219
 E-Mail: JBaker@farneydaniels.com

5 *Attorneys for Plaintiff*
 6 *Brandywine Communications Technologies LLC*

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 8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**
 10 **SAN FRANCISCO DIVISION**

11 BRANDYWINE COMMUNICATIONS
 12 TECHNOLOGIES, LLC,

13 Plaintiff,

14 v.

15 DIGIUM, INC.,

16 Defendant.
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Case No. 3:12-cv-04855-JSW

**~~PROPOSED~~ ORDER OF DISMISSAL
 WITH PREJUDICE**

Hon. Jeffrey S. White

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 19 On this day, Plaintiff Brandywine Communications Technologies, LLC (“Brandywine”) and Defendant and Counterclaim-Plaintiff Digium, Inc. (“Digium”) announced to the Court that they have settled Brandywine’s claims for relief against Digium and Digium’s counterclaims for relief against Brandywine asserted in this case. Brandywine and Digium have therefore requested that the Court dismiss Brandywine’s claims for relief against Digium and Digium’s counterclaims for relief against Brandywine, with prejudice and with all attorneys’ fees, costs and expenses taxed against the party incurring same. The Court, having considered this request, is of the opinion that their request for dismissal should be granted.

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 27 **IT IS THEREFORE ORDERED** that Brandywine’s claims for relief against Digium and Digium’s counterclaims for relief against Brandywine are dismissed with prejudice. **IT IS**

1 FURTHER ORDERED that all attorneys' fees, costs of court and expenses shall be borne by each
2 party incurring the same.

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IT IS SO ORDERED.

Dated: December 12, 2012



Hon. Jeffrey S. White
United States District Judge