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Attorneys for Defendants
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 Femtosoft Technologies and Femtosoft
 Technologies, LLC

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

13 Daniel J. Kane and Mesa Photonics, LLC,
 14 Plaintiffs,
 15 v.
 16 Kenneth W. DeLong, Femtosoft Technologies,
 Femtosoft Technologies, LLC and DOES 1-10,
 17 Defendants.

Case No. 3:12-cv-05437-EMC

**STIPULATION AND [PROPOSED]
 ORDER FOR DISMISSAL OF ACTION
 PURSUANT TO FEDERAL RULE OF
 CIVIL PROCEDURE 41(a)**

Judge: Edward M. Chen

1 WHEREAS, Plaintiffs Daniel J. Kane and Mesa Photonics, LLC and Defendants Kenneth W.
2 DeLong, Femtosoft Technologies and Femtosoft Technologies, LLC have settled this matter on
3 mutually-agreeable terms.

4 NOW, THEREFORE, on the basis of the settlement reached, pursuant to Federal Rule of
5 Civil Procedure 41(a)(1)(A)(ii), IT IS HEREBY STIPULATED AND AGREED, by and between
6 the parties, through their undersigned counsel of record, that:

- 7 1. The above-captioned action is dismissed with prejudice in its entirety.
- 8 2. Each party shall bear its own costs and attorneys' fees.
- 9 3. The Clerk shall close this file.

10
11 Dated: August 6, 2013

ORRICK, HERRINGTON & SUTCLIFFE LLP

12 By: /s/ William H. Wright
13 WILLIAM H. WRIGHT
MICHAEL D. OWENS

14 Attorneys for Plaintiffs,
Daniel J. Kane and Mesa Photonics, LLC

15 Dated: August 6, 2013

SEDGWICK LLP

16 By: /s/ Robert Harkins
17 ROBERT HARKINS
JENNIFER MING

18 Attorneys for Defendants,
19 Kenneth W. DeLong, Femtosoft Technologies,
20 Femtosoft Technologies, LLC

21 **DECLARATION OF CONSENT**

22 Pursuant to L.R. 5-1 and General Order No. 45, I attest under penalty of perjury that
23 concurrence in the filing of this document has been obtained from Robert Harkins.

24 Dated: August 6, 2013

ORRICK, HERRINGTON & SUTCLIFFE LLP

25 By: /s/ William H. Wright
26 WILLIAM H. WRIGHT
MICHAEL D. OWENS

27 Attorneys for Plaintiffs,
28 Daniel J. Kane and Mesa Photonics, LLC

