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I. NEEL CHATTERJEE (STATE BAR NO. 173985)
nchatterjee@orrick.com
DIANA M. RUTOWSKI (STATE BAR NO. 233878)
drutowski@orrick.com
JESSE CHENG (STATE BAR NO. 259909)
jcheng@orrick.com
JAMES FREEDMAN (STATE BAR NO. 287177)
jfreedman@orrick.com
ORRICK, HERRINGTON & SUTCLIFFE LLP
1000 Marsh Road
Menlo Park, California 94025
Telephone: +1-650-614-7400
Facsimile: +1-650-614-7401

Attorneys for Defendant
NVIDIA CORPORATION

DAVID FINK (pro hac vice)
7519 Apache Plume
Houston, TX 77071
Tel.: (713) 729-4991
Fax.: (713) 729-4951
texascowboy6@gmail.com

DUNCAN M. MCNEILL
1514 Van Dyke Avenue
San Francisco, CA 94124
Tel.: (650) 994-2295
Fax: (650) 994-2297
dmcneill1@netzero.com
Fed. Bar No. 136416

Attorneys for the Plaintiff
FUZZYSHARP TECHNOLOGIES,
INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

FUZZYSHARP TECHNOLOGIES, INC,
Plaintiff,
v.
NVIDIA CORPORATION,
Defendant.

Case No. 12-cv-6375-JST

**STIPULATED DISMISSAL AND
~~PROPOSED~~ ORDER**

1 Plaintiff Fuzzysharp Technologies, Inc. (“Fuzzysharp”) and Defendant NVIDIA
2 Corporation (“NVIDIA”), by and through their designated counsel, hereby submit this Stipulated
3 Dismissal pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure:
4

5 WHEREAS Fuzzysharp filed suit against NVIDIA on December 17, 2012 (Dkt. No. 1);

6 WHEREAS on April 18, 2013, the Court granted NVIDIA’s motion to dismiss
7 Fuzzysharp’s initial complaint with leave to amend by May 15, 2013 (Dkt. No. 28), after which
8 Fuzzysharp filed an amended complaint on May 14, 2013 (Dkt. No. 29);

9 WHEREAS on September 4, 2013, the Court granted in part NVIDIA’s motion to dismiss
10 the amended complaint, dismissing with prejudice Fuzzysharp’s claim under U.S. Patent No.
11 6,618,047 (“the ’047 patent”) and leaving only the claim of willful, direct infringement of U.S.
12 Patent No. 6,172,679 (“the ’679 patent”) (Dkt. No. 42);

13 WHEREAS NVIDIA has alleged counterclaims for declaratory judgment of non-
14 infringement and invalidity of the ’679 patent (Dkt. No. 43);

15 WHEREAS Fuzzysharp previously sued Intel Corporation for infringement of the
16 ’679 and ’047 patents in *Fuzzysharp Techs. Inc. v. Intel Corp*, Case No. 12-CV-04413-YGR
17 (N.D. Cal. filed Aug. 22, 2012) (“*Intel*”);

18 WHEREAS on November 7, 2013, the Court in *Intel* issued an Order finding all claims
19 asserted in that case to be invalid and not patent eligible under 35 U.S.C. § 101 (*Intel* Dkt. No. 74
20 (Order Construing Claim Terms in Dispute and Granting Summary Judgment in Favor of
21 Defendant Intel Corporation)); and

22 WHEREAS counsel for Fuzzysharp has indicated its intent to appeal the decision in *Intel*:
23

24 THE PARTIES HEREBY STIPULATE that Fuzzysharp’s remaining claim in this case be
25 DISMISSED and that this case be closed. The parties agree that the dismissal of this claim under
26 the ’679 patent is WITHOUT PREJUDICE to Fuzzysharp’s ability to file a new complaint
27 re-alleging that claim if the finding of invalidity of the ’679 Patent is reversed upon conclusion of
28 all appeals in *Intel*, and if Fuzzysharp files a new complaint, damages shall be as though the

1 present complaint had not been dismissed. Any such complaint must be filed in this Court within
2 180 days of the termination of all proceedings including any appeals in *Intel*.

3 THE PARTIES FURTHER STIPULATE that NVIDIA's counterclaims be DISMISSED
4 WITHOUT PREJUDICE.

5
6 Dated: December 2, 2013

Dated: December 2, 2013

7 Orrick Herrington & Sutcliffe, LLP

8 By: /s/ I. Neel Chatterjee
I. Neel Chatterjee

By: /s/ David Fink
David Fink

9
10 Attorneys for Defendant
NVIDIA CORP.

Attorney for Plaintiff
FUZZYSHARP TECHNOLOGIES INC.

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12 Pursuant to Civil Local Rule 5-1(i)(3), counsel for NVIDIA has obtained the concurrence
13 of Fuzzysharp's counsel in the filing of this Stipulated Dismissal.

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15 Dated: December 2, 2013

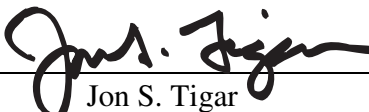
Orrick Herrington & Sutcliffe, LLP

16 By: /s/ I. Neel Chatterjee
I. Neel Chatterjee

17
18 Attorneys for Defendant
NVIDIA CORP.

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21 **PURSUANT TO STIPULATION, IT IS SO ORDERED:**

22
23 Dated: December 2, 2013



Jon S. Tigar
United States District Judge