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6 Attorneys for Defendant  
 APPLE INC.

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

12 MARC OPPERMAN, et al.,

13 Plaintiffs,

14 v.

15 KONG TECHNOLOGIES, INC., et al.,  
 16 Defendants.

Case No. 13-CV-00453-JST

**STIPULATION AND ~~PROPOSED~~ ORDER  
 DISMISSING SPECIFIED CLAIMS AGAINST  
 APPLE INC. WITH PREJUDICE  
 [Fed. R. Civ. P. 41(a)]**

1 It is hereby stipulated between Plaintiff Stephen Dean (“Plaintiff”) and Apple Inc. (“Apple”),  
2 through their respective counsel, that the above-captioned action be and is hereby dismissed, as  
3 follows:

4 Plaintiff’s claims against Apple, excepting only those claims for aiding and abetting invasion of  
5 privacy that were the subject of the Class Action Settlement Agreement (ECF No. 884) and that were  
6 released by operation of that Class Action Settlement Agreement upon its final approval and entry of  
7 judgment by the Court (ECF Nos. 925 and 931), shall be and hereby are dismissed with prejudice, each  
8 side to bear its own costs and attorneys’ fees, pursuant to FRCP 41. Without limitation of the foregoing  
9 and for the avoidance of doubt, this dismissal includes Counts Three, Four, Five and Six of the Second  
10 Consolidated Amended Complaint.

11  
12 Respectfully submitted,

13 Dated: April 26, 2018

**KERR & WAGSTAFFE LLP**

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**CLASS COUNSEL FOR PLAINTIFFS**

Dated: April 26, 2018

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**ATTORNEYS FOR DEFENDANT APPLE INC.**

1 **FILER'S ATTESTATION**

2 I attest that concurrence in the filing of this document has been obtained from the other  
3 signatories listed above.

4 Dated: April 26, 2018

**KERR & WAGSTAFFE LLP**

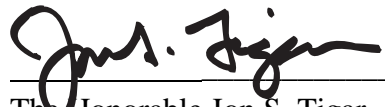
5 By: /s/ Michael von Loewenfeldt  
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1 ~~PROPOSED~~ ORDER

2 **PURSUANT TO THE STIPULATION, AND GOOD CAUSE APPEARING, IT IS**  
3 **HEREBY ORDERED:**

4 Plaintiff's claims against Apple, excepting only those claims for aiding and abetting invasion of  
5 privacy that are the subject of the Class Action Settlement Agreement (ECF No. 884), shall be and  
6 hereby are dismissed with prejudice, each side to bear its own costs and attorneys' fees.

7  
8  
9 Dated: April 27, 2018

  
The Honorable Jon S. Tigar  
United States District Judge