

1 KALPANA SRINIVASAN (S.B. #237460)
 2 SUSMAN GODFREY L.L.P.
 3 1901 Avenue of the Stars, Suite 950
 4 Los Angeles, California 90067-6029
 Telephone: 310-789-3100
 Facsimile: 310-789-3150
 ksrinivasan@susmangodfrey.com

5 BARRY BARNETT (Pro Hac Vice)
 6 SUSMAN GODFREY L.L.P.
 7 901 Main Street, Suite 5100
 8 Dallas, Texas 75202
 Telephone: 214-754-1900
 Facsimile: 214-754-1933
 bbarnett@susmangodfrey.com

9 *Attorneys for Plaintiff*
 10 AMERICAN NAVIGATION SYSTEMS, INC.

11 *[Additional Counsel list on Signature*
 12 *Page]*

MAX L. TRIBBLE, JR. (Pro Hac Vice)
 JOSEPH S. GRINSTEIN (Pro Hac Vice)
 SUSMAN GODFREY L.L.P.
 1000 Louisiana, Suite 5100
 Houston, Texas 77002
 Telephone: 713-651-9366
 Facsimile: 713-654-6666
 mtribble@susmangodfrey.com
 jgrinstein@susmangodfrey.com

PATRICK C. BAGEANT (Pro Hac Vice)
 SUSMAN GODFREY L.L.P.
 1201 Third Avenue, Suite 3800
 Seattle, WA 98101-3000
 Telephone: 206-516-3880
 Facsimile: 206-516-3883
 pbageant@susmangodfrey.com

13 **UNITED STATES DISTRICT COURT**
 14 **NORTHERN DISTRICT OF CALIFORNIA**
 15 **SAN FRANCISCO DIVISION**

17 AMERICAN NAVIGATION SYSTEMS,
 18 INC.,
 19 Plaintiff,
 20 v.
 21 SAMSUNG ELECTRONICS CO., LTD.,
 22 SAMSUNG ELECTRONICS AMERICA,
 23 INC., and SAMSUNG
 24 TELECOMMUNICATIONS AMERICA,
 25 LLC,
 26 Defendants.

Case No. 3:14-cv-05298-JST
**STIPULATED MOTION TO DISMISS
 ALL ASSERTED CLAIMS OF U.S.
 PATENT NO. 5,902,347 AND
 [PROPOSED] ORDER**

1 Plaintiff and Counter-Defendant American Navigation Systems, Inc. (“AmNav”) and
2 Defendants and Counter-Plaintiffs Samsung Electronics Co., Ltd. and Samsung Electronics
3 America, Inc. (collectively “Samsung”)¹ hereby submit this stipulated motion to dismiss and
4 proposed order.

5 WHEREAS, on March 6, 2015, Samsung, Apple Inc. (“Apple”), and non-party Google
6 Inc. filed two petitions with the U.S. Patent and Trademark Office (“PTO”) for administrative
7 *inter partes* review of asserted U.S. Patent No. 5,902,347 (“’347 Patent”), numbered
8 IPR2015-00849 and IPR2015-00851.

9 WHEREAS, on September 20, 2016, the PTO issued its final decisions in both IPR
10 proceedings, cancelling all asserted claims of the ’347 Patent.

11 WHEREAS, AmNav did not appeal the PTAB’s decision to the Federal Circuit, and
12 the PTAB will therefore issue a certificate canceling the asserted claims of the ’347 Patent.

13 IT IS HEREBY STIPULATED AND AGREED by and between AmNav and Samsung,
14 and subject to the approval of the Court, that:

15 1. Pursuant to Fed. R. Civ. P. 41, AmNav and Samsung hereby move for an order
16 dismissing AmNav’s claims in this case WITH PREJUDICE and Samsung’s counterclaims
17 WITHOUT PREJUDICE.

18 2. Each party shall bear its own costs, expenses, and attorneys’ fees associated
19 with the claims and counterclaims dismissed by this Stipulated Dismissal.
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27 _____
28 ¹ Samsung Telecommunications America LLC merged into Defendant Samsung Electronics
America, Inc. as of January 1, 2015, and no longer exists as a separate entity. Dkt. No. 69.

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Dated: December 19, 2016

Dated: December 19, 2016

By: /s/ Kalpana Srinivasan
Kalpana Srinivasan

By: /s/ David Almeling
David Almeling

KALPANA SRINIVASAN (S.B. #237460)
SUSMAN GODFREY L.L.P.
1901 Avenue of the Stars, Suite 950
Los Angeles, California 90067-6029
Telephone: 310-789-3100
Facsimile: 310-789-3150
ksrinivasan@susmangodfrey.com

MICHAEL K. PLIMACK (S.B. #133869)
mplimack@cov.com
CHRISTINE S. HASKETT (S.B. #188053)
chaskett@cov.com
COVINGTON & BURLING LLP
One Front Street
San Francisco, CA 94111
Ph: (415) 591-6000
Fax: (415) 591-6091

BARRY BARNETT (Pro Hac Vice)
SUSMAN GODFREY L.L.P.
901 Main Street, Suite 5100
Dallas, Texas 75202
Telephone: 214-754-1900
Facsimile: 214-754-1933
bbarnett@susmangodfrey.com

DARIN W. SNYDER (S.B. #136003)
dsnyder@omm.com
DAVID S. ALMELING (S.B. #235449)
dalmeling@omm.com
MARK LIANG (S.B. #278487)
mliang@omm.com

MAX L. TRIBBLE, JR. (Pro Hac Vice)
JOSEPH S. GRINSTEIN (Pro Hac Vice)
SUSMAN GODFREY L.L.P.
1000 Louisiana, Suite 5100
Houston, Texas 77002
Telephone: 713-651-9366
Facsimile: 713-654-6666
mtribble@susmangodfrey.com
jgrinstein@susmangodfrey.com

O'MELVENY & MYERS LLP
Two Embarcadero Center, 28th Floor
San Francisco, California 94111-3823
Tel: (415) 984-8700 Fax: (415) 984-8701

PATRICK C. BAGEANT (Pro Hac Vice)
SUSMAN GODFREY L.L.P.
1201 Third Avenue, Suite 3800
Seattle, WA 98101-3000
Telephone: 206-516-3880
Facsimile: 206-516-3883
pbageant@susmangodfrey.com

MISHIMA ALAM (S.B. #271621)
malam@omm.com
O'MELVENY & MYERS LLP
1625 Eye Street, NW
Washington, DC 20006
Tel: (202) 383-5300 Fax: (202) 383-5414

Attorneys for Plaintiff
AMERICAN NAVIGATION SYSTEMS, INC.

Attorneys for Defendants
SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA,
INC.

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FILER'S ATTESTATION

Pursuant to Civil L.R. 5-1(i)(3), I attest under penalty of perjury that concurrence in the filing of this document has been obtained from each of its signatories.

Dated: December 19, 2016

By: /s/ David Almeling
David Almeling

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~~PROPOSED~~ ORDER OF DISMISSAL

Having considered the Stipulated Motion for Dismissal of all claims and counterclaims asserted between Plaintiff and Counter-Defendant American Navigation Systems, Inc. (“AmNav”) and Defendants and Counter-Plaintiffs Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively “Samsung”) in this case, the Court GRANTS the motion in its entirety.

All claims of infringement of U.S. Patent No. 5,902,347 that AmNav raised or could have raised are dismissed WITH PREJUDICE. All claims, defenses, or counterclaims that Samsung raised are dismissed WITHOUT PREJUDICE. It is further ORDERED that all attorneys’ fees, expenses, and costs are to be borne by the party that incurred them.

Dated: December 20 2016



THE HONORABLE JON. S. TIGAR
United States District Judge