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 Limited and BYD Precision Manufacturing Co., Ltd.*

17  
 18 **UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION**

19 APPLE INC.,  
 20  
 21 **Petitioner,**  
 22 vs.  
 23 BYD PRECISION MANUFACTURING CO.,  
 LTD. AND BYD COMPANY LIMITED,  
 24 **Respondents.**  
 25

Case No. 3:15-cv-04985-RS

**STIPULATED AND ~~PROPOSED~~  
 ORDER OF DISMISSAL WITHOUT  
 PREJUDICE**

Hon. Richard Seeborg  
 Courtroom: 3, 17th Floor

1 Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Petitioner Apple Inc.  
2 (“Apple”) and Respondents BYD Precision Manufacturing Co., Ltd. and BYD Company Limited  
3 (“Respondents”) hereby submit the following Stipulation for Dismissal Without Prejudice.

4 WHEREAS Apple and Respondents executed a Settlement Agreement on or about  
5 December 20, 2016;

6 WHEREAS Apple and BYD Company Limited are contemporaneously filing with the  
7 United States Court of Appeals for the Ninth Circuit a Stipulated Motion to Voluntarily Dismiss  
8 BYD Company Limited’s appeal from this Court’s March 2, 2016 Order;

9 NOW, THEREFORE, It is hereby agreed by the parties and ordered by the Court that:

- 10 1. The above matter is dismissed without prejudice as to Apple’s claims and with  
11 prejudice as to Respondents’ defenses; and  
12 2. Each side shall bear its own costs and fees.

13 **IT IS SO ORDERED.**

14 Dated: 12/28/16   
15 RICHARD SEEBORG  
16 United States District Judge

17 Dated: December 27, 2016 SIMPSON THACHER & BARTLETT LLP

18 By: /s/ Harrison J. Frahn IV  
19 Harrison J. Frahn IV  
20 *Attorneys for Petitioner Apple Inc.*

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24 By: /s/ Yar R. Chaikovsky  
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27 Limited and BYD Precision Manufacturing Co.,  
28 Ltd.*

1 Pursuant to Civil Local Rule 5-1(i), the filer attests that concurrence in the filing of this  
2 document has been obtained from the signatories above.

3 /s/ Harrison J. Frahn IV  
4 Harrison J. Frahn IV  
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