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21 **UNITED STATES DISTRICT COURT**
 22 **NORTHERN DISTRICT OF CALIFORNIA**

24 VIA LICENSING CORPORATION,
 25 Plaintiff,
 26 v.
 27 COMPAL ELECTRONICS, INC.,
 28 Defendant.

Case No. 3:16-cv-01409-HSG

**STIPULATION AND ORDER OF
 DISMISSAL WITH PREJUDICE**

1 WHEREAS, on March 22, 2016, Plaintiff Via Licensing Corporation (“Via”)
2 filed its Complaint for Breach of Contract; Specific Performance (Dkt. No. 1) (the “Complaint”)
3 against Defendants Compal Electronics, Inc. (“Compal”) and Auscom Engineering Inc.
4 (“Auscom”);

5 WHEREAS, on August 1, 2016, Via voluntarily dismissed without prejudice all
6 claims against Auscom;

7 WHEREAS, on October 27, 2016, the parties signed a confidential settlement
8 term sheet (the “Settlement Term Sheet”) and agreed to work together to prepare a formal
9 settlement agreement consistent with the terms set forth in the Settlement Term Sheet;

10 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, between
11 Via and Compal, by and through their respective counsel, that:

12 1. Pursuant to Federal Rule of Civil Procedure 41(a)(2), subject only to
13 Compal’s compliance with its obligation to pay the settlement amount at the time and in the
14 manner set forth in the Settlement Term Sheet, all claims in the above-captioned action are
15 dismissed with prejudice. Each party shall bear its own attorney’s fees and costs.

16 2. This Court shall retain jurisdiction in order to enforce the terms of the
17 Settlement Term Sheet or, if superseded by a formal agreement, the terms of the formal
18 agreement.

19 Dated: November 4, 2016.

20 /s/ Laura Kabler Oswell

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2

1 DATED: November 4, 2016.

/s/ Robert J. Benson

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21 I, Laura Kabler Oswell, am the ECF user whose ID and password are being used
22 to file this Stipulation and [Proposed] Order of Dismissal with Prejudice. In compliance with
23 General Order No. 45, X.B., I hereby attest that Robert J. Benson has concurred in this filing.

24 /s/ Laura Kabler Oswell

25 Laura Kabler Oswell

26 * * *

27 PURSUANT TO STIPULATION, IT IS SO ORDERED.

28 DATED: NOVEMBER 7, 2016



HAYWOOD S. GILLIAM, JR.
UNITED STATES DISTRICT JUDGE