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 and PLR IP Holdings, LLC

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

19 GOPRO, INC.
 20
 Plaintiff,
 21
 v.
 22
 C&A MARKETING, INC., C&A
 23 LICENSING, LLC, AND PLR IP
 HOLDINGS, LLC,
 24
 Defendants.

Case No. 3:16-cv-03590-JST

STIPULATION, NOTICE, AND
~~PROPOSED~~ ORDER RE:
WITHDRAWAL OF PLAINTIFF'S
MOTION FOR LEAVE TO FILE AN
AMENDED COMPLAINT (DKT. NO. 39)

Complaint Filed: June 27, 2016

25
 26 **AND RELATED COUNTERCLAIMS**
 27

1 This Stipulation is entered into by Plaintiff GoPro, Inc. (“GoPro”) and Defendants C&A
2 Marketing, Inc.; C&A Licensing, LLC; and PLR IP Holdings, LLC (“Defendants”), subject to
3 approval of the Court.

4 WHEREAS, on April 14, 2017, GoPro moved for leave to amend its complaint to assert
5 United States Design Patent Nos. D657,811 and D644,679 (“the Design Patents”) against
6 Defendants (Dkt. No. 39);

7 WHEREAS, GoPro’s proposed amended complaint accuses the Polaroid XS80, XS100,
8 and XS100i cameras (“Accused Cameras”) and the Polaroid XS80 and XS100 Lens Replacement
9 Kits (“Accused Lens Replacement Kits”) (collectively, “Accused Products”) of infringing the
10 Design Patents under 35 U.S.C. § 271 (“Design Patent Claims”);

11 WHEREAS, Defendants have represented in their Opposition to GoPro’s Motion for
12 Leave to Amend that C&A Marketing sells well under 100 units of the Accused Products per
13 month (Dkt. No. 44), and represented that the other Defendants do not sell the Accused Products;

14 WHEREAS, GoPro and Defendants wish to resolve the additional allegations presented in
15 GoPro’s proposed amended complaint without further litigation and without otherwise impacting
16 this matter;

17 IT IS HEREBY STIPULATED AND AGREED:

18 1. Defendants, including any subsidiaries and controlling entities thereof, will not
19 make, use, offer to sell, or sell within or import into the United States the Accused Products after
20 May 15, 2017;

21 2. Defendants may reuse components of any Accused Cameras in their possession
22 other than those included in the Accused Lens Replacement Kits, but will otherwise recycle or
23 destroy any Accused Products remaining after May 15, 2017;

24 3. GoPro, in reliance on Defendants’ above representations, withdraws its Motion for
25 Leave to File an Amended Complaint (Dkt. No. 39), without prejudice to later assert the Design
26 Patents if Defendants make, use, offer to sell, or sell within or import into the United States the
27 Accused Products, or to later assert in a different action the Design Patents against other products
28 that GoPro alleges infringe.

1 Dated: May 12, 2017

Dated: May 12, 2017

2 KILPATRICK TOWNSEND & STOCKTON LLP

MORRISON & FOERSTER LLP

3
4 /s/ Mehrnaz Boroumand Smith
5 MEHRNAZ BOROUMAND SMITH

/s/ Nathan B. Sabri
NATHAN B. SABRI

6 Attorneys for Plaintiff GoPro, Inc.

Attorneys for Defendants C&A
Marketing, Inc.; C&A Licensing, LLC;
and PLR IP Holdings, LLC

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9 **ATTESTATION OF E-FILED SIGNATURE**

10 I, Mehrnaz Boroumand Smith, am the ECF User whose ID and password are being used to
11 file this **STIPULATION AND [PROPOSED] ORDER RE: WITHDRAWAL OF**
12 **PLAINTIFF'S MOTION FOR LEAVE TO FILE AN AMENDED COMPLAINT (DKT.**
13 **NO. 39)**. In compliance with Local Rule 5-1(i)(3), I hereby attest that Nathan B. Sabri has
14 concurred in this filing.

15
16 Dated: May 12, 2017

/s/ Mehrnaz Boroumand Smith
Mehrnaz Boroumand Smith

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19 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

20
21
22 Dated: May 16, 2017

