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11 Attorneys for Plaintiff,
NuGEN Technologies, Inc.

12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**

14
15 NUGEN TECHNOLOGIES, INC.,

16 Plaintiff

17 vs.

18 KEYGENE N.V. and
KEYGENE, INC.,

19 Defendants.
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CASE NO.: 3:18-CV-00525-JST

JOINT STIPULATION AND
~~**PROPOSED**~~ **ORDER**
DISMISSING DEFENDANT
KEYGENE, INC.

1 Pursuant to Local Rule 7-12, Plaintiff NuGEN Technologies, Inc.
2 (“NuGEN”) and Defendants Keygene N.V. and Keygene, Inc. (collectively
3 “Defendants”), through their counsel, submit the following Joint Stipulation and
4 [Proposed] Order of Dismissal of Defendant Keygene, Inc.:

5 WHEREAS, NuGEN commenced the above-captioned action, *NuGEN*
6 *Technologies, Inc. v. Keygene N.V. and Keygene, Inc.*, Case No. 3:18-cv-00525-JST
7 (the “Action”), seeking declaratory judgment of non-infringement and invalidity of
8 U.S. Patent Nos. 9,702,004 (the “’004 patent”) and 9,745,627 (the “’627 patent”),
9 against Defendants, on January 24, 2018 [ECF No. 1];

10 WHEREAS, on March 19, 2018, Keygene, Inc. filed a motion to dismiss the
11 Action as to Keygene, Inc. pursuant to Fed. R. Civ. P. 12(b)(1) asserting that
12 Keygene is “neither an owner nor exclusive licensee of the patents-in-suit” [ECF
13 No. 25];

14 NOW, THEREFORE, in consideration of the foregoing and in the interest of
15 judicial economy, NuGEN and Defendants (the “Parties”) hereby stipulate, subject
16 to the approval of the Court, to the following:

17 1. The Parties agree and stipulate that Keygene, Inc. is hereby dismissed
18 as a defendant in the Action.

19 2. Keygene, Inc. represents that it is neither an owner nor exclusive
20 licensee of either the ’004 patent or the ’627 patent and therefore is not asserting
21 any rights under those patents with respect to NuGEN.

22 3. The Parties further agree and stipulate that Keygene, Inc. does not have
23 standing to assert either the ’004 patent or the ’627 patent.

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1 4. The Parties shall each bear their own attorneys' fees and costs with
2 respect to Keygene, Inc.'s motion to dismiss and this stipulation.

3 **IT IS SO STIPULATED.**

4 Dated: April 9, 2018

Respectfully submitted,

5 **BROWN RUDNICK LLP**

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FILER'S ATTESTATION

Pursuant to Local Rule 5-1(i)(3), I, Leo J. Presiado, attest that concurrence in filing this document has been obtained from the other signatories.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: April 10, 2018



HONORABLE JON S. TIGAR
UNITED STATES DISTRICT JUDGE