

1 Frank E. Scherkenbach, (CAB # 142549;
scherkenbach@fr.com)

2 Fish & Richardson P.C.
225 Franklin Street
3 Boston, MA 02110-2804
Telephone: (617) 542-5070
4 Facsimile: (617) 542-8906

5 Howard G. Pollack (CAB # 162897;
pollack@fr.com)

6 Craig R. Compton (CAB # 215491;
compton@fr.com)

7 Robert J. Kent (CAB # 250905;
RJKent@fr.com)

8 FISH & RICHARDSON P.C.
500 Arguello Street, Suite 500
9 Redwood City, CA 94063
Telephone: (650) 839-5070
10 Facsimile: (650) 839-5071

11 Attorneys for Plaintiff and Counter-defendant
SUNPOWER CORPORATION, SYSTEMS

12 Michael H. Page (CAB # 154913;
mpage@durie@durietangri.com)

13 Daralyn J. Durie (CAB # 169825;
ddurie@durie@durietangri.com)

14 DURIE TANGRI LLP
15 332 Pine Street, Suite 200
16 San Francisco, CA 94104
Telephone: (415) 362-6666
17 Facsimile: (415) 236-6300

18 Attorneys for Defendant and Counter-claimant
19 SUNLINK CORPORATION

20 UNITED STATES DISTRICT COURT
21 NORTHERN DISTRICT OF CALIFORNIA
22 (OAKLAND DIVISION)

23 SUNPOWER CORPORATION, SYSTEMS, a
Delaware corporation,

24 Plaintiff and Counter-defendant,
25 vs.

26 SUNLINK CORPORATION, a Delaware
Corporation,

27 Defendant and Counter-claimant.
28

Case No. CV 08-2807 SBA (EMC)

**STIPULATED DISMISSAL OF CLAIMS
AND COUNTERCLAIMS AND
[PROPOSED] ORDER**

PATENT CASE

1 Pursuant to the parties' October 6, 2009 settlement agreement, Plaintiff SunPower
2 Corporation, Systems and Defendant SunLink Corporation, by and through their undersigned
3 counsel of record, hereby stipulate and move for an order dismissing the above-captioned case,
4 including all claims and counterclaims, with prejudice pursuant to Federal Rule of Civil Procedure
5 41(a)(1)(ii). The parties further stipulate that each party shall be responsible for its own costs and
6 attorneys fees related to this action.

7 The parties further stipulate and respectfully request that a Magistrate Judge of this Court
8 retain jurisdiction to enforce the terms and conditions of the parties' October 6, 2009 settlement
9 agreement resolving this matter.

10 Dated: October 26, 2009

FISH & RICHARDSON P.C.

11
12 By: /s/ Craig R. Compton
Craig R. Compton

13 Attorneys for Plaintiff and Counter-defendant
14 SUNPOWER CORPORATION, SYSTEMS

15 Dated: October 26, 2009

DURIE TANGRI LLP

16
17 By: /s/ Daralyn J. Durie
Daralyn J. Durie

18 Attorneys for Defendant and Counter-claimant,
19 SUNLINK CORPORATION

20 **DECLARATION**

21 Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under
22 penalty of perjury that concurrence in the filing of this document has been obtained from Daralyn
23 J. Durie.

24 Dated: October 26, 2009

FISH & RICHARDSON P.C.

25
26 By: /s/ Craig R. Compton
Craig R. Compton

27 Attorneys for Plaintiff and Counter-defendant
28 SUNPOWER CORPORATION, SYSTEMS

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED that all claims and counterclaims in this case are dismissed with prejudice and that a Magistrate Judge of this Court shall retain jurisdiction to enforce the terms and conditions of the parties' October 6, 2009 settlement agreement.

Dated: _10/26/09



Hon. Sandra Brown Armstrong
United States District Court Judge

50677113.doc

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 26, 2009, all counsel of record who are deemed to have consented to electronic service are being served with a copy of the **STIPULATED DISMISSAL OF CLAIMS AND COUNTERCLAIMS AND [PROPOSED] ORDER** via the Court's CM/ECF system per Local Rule 5-4 and General Order 45. Any other counsel of record will be served by first class mail.

/s/ Craig R. Compton
Craig R. Compton

50677113.doc