

1 KARINEH KHACHATOURIAN (SBN 202634)

karineh.khachatourian@klgates.com

2 BRYAN J. SINCLAIR (SBN 205885)

bryan.sinclair@klgates.com

3 MICHAEL R. HAVEN (SBN 208721)

mike.haven@klgates.com

4 **K&L GATES LLP**

630 Hansen Way

5 Palo Alto, California 94304

Telephone: 650.798.6700

6 Facsimile: 650.798.6701

7 Attorneys for Plaintiff and Counter-Defendant

PHOENIX TECHNOLOGIES LTD.

9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**

11 **OAKLAND DIVISION**

12 PHOENIX TECHNOLOGIES, LTD., a
13 Delaware corporation,

14 Plaintiff,

15 vs.

16 DEVICEVM, INC., a Delaware corporation,
17 and BENEDICT CHONG, an individual,

18 Defendants.

19 DEVICEVM, a Delaware corporation,,

20 Counter-Claimant,

21 vs.

22 PHOENIX TECHNOLOGIES LTD., a Delaware
23 corporation,

24 Counter-Defendant.

Case No. 4:09-CV-04697-CW (EDL)

**STIPULATION AND ORDER RE:
DISMISSAL**

Judge: Hon. Claudia Wilken
Room: 2, 4th Floor

Complaint Filed: July 17, 2009
Trial Date: September 19, 2011

1 Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, the parties hereby stipulate to
2 the dismissal of this action, including all claims and counterclaims, with prejudice in its entirety with
3 each party bearing its own costs and fees.

4 **K&L GATES LLP**

5
6
7 Dated: May 27, 2010

By: /s/

Karineh Khachatourian

Attorneys for Phoenix Technologies Ltd.

9
10 **O'Melveny & Myers LLP**

11
12 Dated: May 27, 2010

By: /s/

David Enzminger

Attorneys for DeviceVM, Inc.

13
14
15 **ORDER**

16
17 Upon the parties' stipulation, and good cause appearing therefor,

18 **IT IS SO ORDERED.**

19
20 Dated: May 27, 2010

By:



Honorable Claudia Wilken
United States District Court Judge

1 **SIGNATURE ATTESTATION**

2 Pursuant to General Order No. 45(X)(B), I hereby attest that I have obtained the concurrence
3 in the filing of this document from all the signatories for whom a signature is indicated by a
4 “conformed” signature (/s/) within this e-filed document and I have on file records to support this
5 concurrence for subsequent production for the court if so ordered or for inspection upon request.
6

7
8 Dated: May 27, 2010

By: /s/

Karineh Khachatourian

Attorneys for Phoenix Technologies Ltd.