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 and Counterclaimant  
 8 BRILLIANT INSTRUMENTS, INC.

9  
 10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA  
 12 OAKLAND DIVISION

13 BRILLIANT INSTRUMENTS, INC.

14 Plaintiff,

15 v.

16 GUIDETECH, INC., and  
 17 RONEN SIGURA, an individual,

18 Defendants.

19 and Related Counterclaims  
 20

Civil No. C09-05517 CW (JCS)

**[PROPOSED] ORDER AND  
 STIPULATION SEEKING DISMISSAL OF  
 BRILLIANT'S STATE LAW CLAIMS  
 WITHOUT PREJUDICE**

21 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

22 Plaintiff, Counterdefendant and Counterclaimant Brilliant Instruments, Inc. ("Brilliant"),  
 23 Defendant, Counterclaimant and Counterdefendant GuideTech, LLC ("GuideTech") and  
 24 Defendant Ronen Sigura ("Sigura"), hereby submit their [Proposed] Order and Stipulation  
 25 Seeking Dismissal of Brilliant's State Law Claims Without Prejudice.

26 On June 29, 2011, the parties filed a Stipulation Re Consolidation of Business Tort Claims  
 27 and Statements of the Parties Re Related Matters, (Dkt. 133). In that stipulation, the parties  
 28 agreed to consolidate their State Law Claims in Santa Clara County Superior Court, Case No. 1-

1 10-CV-187147 (the “State Court Action”), if this Court grants Brilliant’s Motion for Summary  
2 Judgment of Noninfringement. The parties further agreed to “promptly . . . take all steps  
3 necessary to accomplish the filing by Brilliant of a cross-complaint in the State Court Action . . .”  
4 (Dkt. 133 at 4:23-25.)

5 On August 11, 2011, the Court granted Brilliant’s Motion for Summary Judgment of  
6 Noninfringement and denied as Moot GuideTech’s Motion for Summary Adjudication on the  
7 Issue of Assignor Estoppel. (Dkt. 137, the “Order.”) The Court ordered the parties, within three  
8 days of the date of the Order, to file a stipulation seeking the dismissal without prejudice of  
9 Brilliant’s remaining state law claims.

10 Accordingly, pursuant to the Court’s Order granting Brilliant’s Motion for Summary  
11 Judgment of Noninfringement, and further pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), the parties  
12 submit this stipulation seeking dismissal, without prejudice, of Count VIII through Count X of  
13 Brilliant’s First Amended Complaint, (Dkt. 35), filed June 3, 2010. The parties seek an order from  
14 the Court approving this stipulation, and an order directing the parties to take all steps necessary to  
15 accomplish the filing by Brilliant of a cross-complaint in the State Court Action.

16  
17 DATED: August 15, 2011

Respectfully submitted,

18  
19 SILICON EDGE LAW GROUP LLP

LAW OFFICES OF DANIEL J. RICHERT

20 By: /s/ Thomas W. Lathram

By: /s/ Daniel J. Richert

Thomas W. Lathram

Daniel J. Richert

21 Attorneys for Brilliant Instruments, Inc.

Attorneys for GuideTech LLC and Ronen Sigura

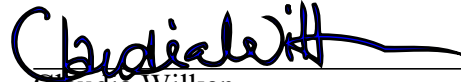
22  
23 **IT IS HEREBY ORDERED THAT:**

- 24 1. Count VIII (Intentional Interference With Prospective Economic Advantage),  
25 Count IX (Intentional Interference With Contractual Relations), and Count X  
26 (Unfair Competition – Cal. Bus. & Prof. Code ¶¶ 17200, *et seq.*) of Brilliant’s First  
27 Amended Complaint, dated May 18, 2010, and filed June 3, 2010, in this action,  
28 (Dkt. 35), are hereby **DISMISSED WITHOUT PREJUDICE**.

2. The parties are hereby **ORDERED** to take all steps necessary to accomplish the filing by Brilliant of a cross-complaint in the State Court Action.

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

Dated: 8/16/2011

  
\_\_\_\_\_  
Claudia Wilken  
United States District Judge