

1 SPENCER HOSIE (CA Bar No. 101777)  
 shosie@hosielaw.com  
 2 GEORGE F. BISHOP (CA Bar No. 89205)  
 gbishop@hosielaw.com  
 3 DIANE S. RICE (CA Bar No. 118303)  
 drice@hosielaw.com  
 4 WILLIAM P. NELSON (CA Bar No. 196091)  
 wnelson@hosielaw.com  
 5 HOSIE RICE LLP  
 6 Transamerica Pyramid, 34<sup>th</sup> Floor  
 600 Montgomery Street  
 7 San Francisco, CA 94111  
 (415) 247-6000 Tel.  
 8 (415) 247-6001 Fax

9 *Attorneys for Plaintiff*  
 10 **BACKWEB TECHNOLOGIES, LTD.**

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UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND DIVISION

BACKWEB TECHNOLOGIES, LTD.,  
 Plaintiff,  
 v.  
 INTERNATIONAL BUSINESS MACHINES  
 CORPORATION,  
 Defendant.

Case No. C 10-4310 PJH

**STIPULATED MOTION FOR  
 DISMISSAL WITH PREJUDICE OF  
 CLAIMS AND COUNTERCLAIMS  
 BY BACKWEB TECHNOLOGIES,  
 LTD. AND INTERNATIONAL  
 BUSINESS MACHINES  
 CORPORATION, AND [PROPOSED]  
 ORDER**

1 Plaintiff BackWeb Technologies, Ltd. (“BackWeb”) and Defendant International  
2 Business Machines Corporation (“IBM”), pursuant to Rule 41(A)(2) of the Federal Rules of  
3 Civil Procedure, hereby stipulate and move for an order dismissing WITH PREJUDICE and  
4 in their entirety (1) all claims or counterclaims brought by BackWeb against IBM and (2) all  
5 claims or counterclaims brought by IBM against BackWeb, with each party to bear its own  
6 costs, expenses and attorneys’ fees.

7 Dated: November 22, 2011

HOSIE RICE LLP

8  
9 /s/ George F. Bishop

GEORGE F. BISHOP

Attorneys for Plaintiff

BACKWEB TECHNOLOGIES, LTD.

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11  
12 Dated: November 22, 2011

QUINN EMANUEL URQUHART &  
SULLIVAN, LLP

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15 /s/Jennifer A. Kash

Jennifer A. Kash

Attorney for Defendant

INTERNATIONAL BUSINESS MACHINES  
CORPORATION

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19 I hereby attest pursuant to General Order 45.X.B. that concurrence in the electronic  
20 filing of this document has been obtained from the other signatories.

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22 DATED: November 22, 2011

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24 /s/ George F. Bishop

George F. Bishop

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**IT IS SO ORDERED.**

DATED this 22nd day of November, 2011.

