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5 Attorneys Authorized by Defendants PURPLE

LEAF, LLC, a Delaware limited liability

6 company, PURPLE LEAF, LLC, a Texas limited

liability company and RANI YADAV-RANJAN

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UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

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SAP AMERICA, INC.,

Case No. 4:11-CV-04601-PJH

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Plaintiff,

**JOINT STIPULATION AND [PROPOSED]
ORDER REQUESTING THE COURT TO
VACATE ITS TRANSFER ORDER AND
AGREEING TO VENUE IN THE
NORTHERN DISTRICT OF
CALIFORNIA**

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vs.

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PURPLE LEAF, LLC, a Delaware
corporation, PURPLE LEAF, LLC, a Texas
corporation, and RANI YADAV-RANJAN, an
individual,

Judge: Phyllis J. Hamilton

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Dept.: 3

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Defendants.

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WHEREAS, Plaintiff SAP America, Inc. ("SAP") filed the above-entitled amended
20 complaint ("First Amended Complaint") against Defendants Rani Yadav-Ranjan, Purple Leaf,
21 LLC, a Delaware limited liability company ("Purple Leaf Delaware") and Purple Leaf, LLC, a
22 Texas limited liability company ("Purple Leaf Texas") (collectively, "Defendants") on November
23 3, 2011;

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WHEREAS, on December 12, 2011, this Court ordered SAP to show cause why this Court
25 should not transfer this case to the Eastern District of Texas in light of Purple Leaf Texas having
26 filed an action in that district, *Purple Leaf, LLC v. American Express Co.*, et al, No. 6:11-cv-0279-
27 LED (E.D. Texas) (the "Texas Action"), naming SAP as a defendant on May 31, 2011;

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ROBINSON & WOOD, INC.
ATTORNEYS AT LAW

1 WHEREAS, on January 9, 2012, this Court issued its order transferring this action to the
2 Eastern District of Texas ("Transfer Order");

3 WHEREAS, pursuant to Northern District Local Rule 3-14, the Transfer Order will
4 become effective on January 23, 2012;

5 WHEREAS, on January 17, 2012, SAP filed a Motion for Leave to File Motion for
6 Reconsideration of the Transfer Order;

7 WHEREAS, on January 18, 2012, this Court denied SAP's Motion for Leave to File
8 Motion for Reconsideration of the Transfer Order;

9 WHEREAS, after the Court denied SAP's Motion for Leave to File Motion for
10 Reconsideration of the Transfer Order, SAP, through its counsel, and Defendants, represented by
11 the law firm of Robinson & Wood, Inc., which has been authorized to bind Defendants in this
12 regard, reached terms of agreement which make it unnecessary to transfer this action to the
13 Eastern District of Texas. Specifically, the parties have agreed to proceed in this action in the
14 Northern District of California and have further agreed that the Texas Action as against SAP will
15 be dismissed without prejudice and any claims against SAP will be pursued in this Court by way
16 of counterclaim;

17 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between
18 the undersigned counsel for SAP, and the undersigned counsel for Defendants authorized to
19 represent them in this matter, as follows:

20 1. The parties agree that this action may proceed in the Northern District of California
21 subject to the stipulated conditions below.

22 2. In light of the parties' agreement, SAP will be dismissed without prejudice from
23 the Texas Action upon the lifting or expiration of the stay in the Texas Action which is currently
24 scheduled to expire on January 27, 2012. [A copy of the proposed "Request for Dismissal" which
25 defendant Purple Leaf Texas agrees to file to effect this dismissal is attached hereto as Exhibit A].

26 3. The parties agree that such dismissal without prejudice of the Texas Action against
27 SAP by Purple Leaf Texas shall not constitute a voluntary dismissal under Rule 41 of the Federal
28 Rules of Civil Procedure, and that SAP will make no contention, factual or legal, that this

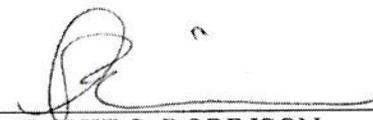
1 dismissal will provide a basis under Rule 41(a)(1)(B) for treating any notice of dismissal in future
2 cases as an adjudication on the merits.

3 4. Material to this stipulated agreement, subject to this Court's approval, and in order
4 to facilitate the parties' necessary actions with respect to locating this dispute in the Northern
5 District of California, including the dismissal of the Texas Action, the parties agree to and request
6 that Defendants may have until February 17, 2012 to respond to SAP's First Amended Complaint
7 on file in the Northern District of California.

8 5. On the basis of the terms of agreement, as set forth above, the parties jointly
9 request that this Court vacate its Transfer Order and retain jurisdiction over this action.

10 Dated: January 20, 2012

ROBINSON & WOOD, INC.

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13 By: 
14 ARCHIE S. ROBINSON

Attorneys Authorized by for Defendants
PURPLE LEAF, LLC, a Delaware limited
15 liability company, PURPLE LEAF, LLC, a
16 Texas limited liability company and RANI
YADAV-RANJAN

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18 Dated: January 20, 2012

SIMPSON THACHER & BARTLETT LLP

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20 By: *Harrison J. Frahn, IV.* (RN)
21 HARRISON J. FRAHN, IV

Attorneys for Plaintiff SAP AMERICA, INC.

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PURSUANT TO STIPULATION, IT IS HEREBY ORDERED AS FOLLOWS:

1. The Order of Transfer issued by this Court on January 9, 2012, in this action is hereby vacated.

2. Defendants Rani Yadav-Ranjan, Purple Leaf of Delaware, LLC, and Purple Leaf of Texas, LLC, are granted an extension of time until February 17, 2012 in which to respond to the First Amended Complaint filed by SAP America, Inc., in this matter.

DATED: January 23, 2012

IT IS SO ORDERED

Judge Phyllis J. Hamilton
Court Judge

ROBINSON & WOOD, INC.
ATTORNEYS AT LAW