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 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 OAKLAND DIVISION

11 BRANDYWINE COMMUNICATIONS
 TECHNOLOGIES, LLC,

12
 13 Plaintiff,

14 v.

15 AVAYA INC.,

16 Defendant.

Case No. 4:12-CV-02035-PJH

**~~[PROPOSED]~~ ORDER OF DISMISSAL
 WITH PREJUDICE**

Hon. Phyllis J. Hamilton

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 18 On this day, Plaintiff Brandywine Communications Technologies, LLC (“Brandywine”) and Defendant and Counterclaim-Plaintiff Avaya Inc. (“Avaya”) announced to the Court that they
 19 have settled Brandywine’s claims for relief against Avaya and Avaya’s counterclaims for relief
 20 against Brandywine asserted in this case. Brandywine and Avaya have therefore requested that
 21 the Court dismiss Brandywine’s claims for relief against Avaya and Avaya’s counterclaims for
 22 relief against Brandywine, with prejudice and with all attorneys’ fees, costs and expenses taxed
 23 against the party incurring same. The Court, having considered this request, is of the opinion that
 24 their request for dismissal should be granted.
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26 IT IS THEREFORE ORDERED that Brandywine’s claims for relief against Avaya and
 27 Avaya’s counterclaims for relief against Brandywine are dismissed with prejudice. IT IS
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1 FURTHER ORDERED that all attorneys' fees, costs of court and expenses shall be borne by each
2 party incurring the same.

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IT IS SO ORDERED.

Dated: November 29, 2012

