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 ATTORNEYS FOR DEFENDANTS
 19 AT&T CORP., AND SBC INTERNET SERVICES, INC.

20 **UNITED STATES DISTRICT COURT**
 21 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
 22 **OAKLAND DIVISION**

23 BRANDYWINE COMMUNICATIONS
 TECHNOLOGIES, LLC,

24 Plaintiff,

25 v.

26 AT&T CORP. and SBC INTERNET
 SERVICES, INC.

27 Defendants.
 28

Case Number: C 12-02494 CW

**STIPULATION OF DISMISSAL
 OF CLAIMS UNDER U.S. PATENT
 NO. 5,444,704 AND ~~PROPOSED~~
 ORDER**

1 Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii) , Plaintiff, Brandywine Communications
2 Technologies, LLC (“Brandywine”) and Defendants AT&T Corp. and SBC Internet Services, Inc.
3 (“Defendants”), hereby stipulate to the dismissal with prejudice of all claims asserted by
4 Brandywine against Defendants with respect to U.S. Patent 5,444,704 (“the ’704 patent”) and
5 further stipulate to the dismissal without prejudice of Defendants’ counterclaims alleging
6 invalidity of U.S. Patent 5,444,704.

7 Defendants further agree that, for their affiliates and successors, they will only resurrect
8 their claims of invalidity against the ’704 patent if they are later sued for infringement of the ’704
9 patent or are required to indemnify a third party for a claim of infringement of the ’704 patent.
10 Brandywine further agrees to release, for its affiliates and successors, all of Defendants’ affiliates,
11 employees, agents, customers, and suppliers from all claims of infringement of the ’704 patent.

12 This dismissal shall have no effect on the Parties’ assertion of claims and counterclaims
13 with respect to U.S. Patent Nos. 5,828,657; 7,894,472; 6,970,501; 5,206,854; 5,251,328 and
14 5,812,537.

15
16 Dated: February 12, 2013

Respectfully submitted,

By: /s/ Brian H. VanderZanden

Brian H. VanderZanden (Admitted *Pro Hac Vice*)
FARNEY DANIELS LLP

19 Attorney for Plaintiff
20 BRANDYWINE COMMUNICATIONS
21 TECHNOLOGIES LLC

22 Dated: February 12, 2013

Respectfully submitted,

KILPATRICK TOWNSEND & STOCKTON LLP

By: /s/ Robert J. Artuz

William H. Boice (*pro hac vice* applic. pending)
Russell A. Korn (*pro hac vice*)
Daniel S. Young (*pro hac vice*)
Robert J. Artuz

27 Attorneys for Defendants
28 AT&T CORP. and SBC INTERNET SERVICES, INC.

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FILER'S ATTESTATION


Pursuant to Civil Local Rule 5-1(i)(3), Robert Artuz, hereby attests that the above-named signatories concur in this filing.

DATED: February 12, 2013

/s/ Robert J. Artuz
Robert J. Artuz

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 2/13/2013



The Honorable Claudia Wilken
United States District Judge