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10 Attorneys for Plaintiff  
 11 BIG BABOON, INC.

12 UNITED STATES DISTRICT COURT  
 13 NORTHERN DISTRICT OF CALIFORNIA  
 14 OAKLAND DIVISION

15 BIG BABOON, INC., a Delaware corporation,

16 Plaintiff,

17 v.

18 SAP AMERICA, INC., a Delaware Corporation,  
 and HP INC., a Delaware Corporation,

19 Defendants.  
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Case No. 4:17-cv-02082 HSG

**STIPULATION AND ORDER TO  
 VACATE JUDGMENT IN FAVOR OF  
 DEFENDANT HP INC. AND DISMISS  
 CLAIMS AGAINST HP INC., WITH  
 PREJUDICE**

Judge: Hon. Haywood S. Gilliam, Jr.  
 Ctrm: 2, 4<sup>th</sup> Fl.

Complaint Filed: April 13, 2017  
 Trial Date: None set.

1 Plaintiff Big Baboon, Inc. (“BBI”) and Defendants SAP America, Inc. (“SAP”) and HP Inc.  
2 (formerly Hewlett-Packard Company) (“HP”) (collectively “Defendants”) hereby stipulate that, as  
3 BBI and HP having reached a resolution of the claims brought by BBI against HP, (1) the judgment  
4 entered in favor of HP and against BBI on April 24, 2019 (Dkt. 87) shall be vacated and without  
5 any force or effect, and (2) all claims asserted against HP shall be dismissed, with prejudice.  
6 Neither the judgment in favor of defendant SAP nor SAP’s pending Motion for Attorneys’ Fees  
7 (Dkt. 89) shall be affected by this Stipulation.<sup>1</sup> The parties jointly request that the Court enter the  
8 order submitted herewith to give effect to the parties’ stipulation.

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10 Dated: May 21, 2019

PROCOPIO, CORY, HARGREAVES  
& SAVITCH LLP

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12 By: /s/ Robert H. Sloss

Robert H. Sloss  
Lance D. Reich  
Kevin E. Regan

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14 Attorneys for Plaintiff  
Big Baboon, Inc.

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16  
17 Dated: May 21, 2019

KLARQUIST SPARKMAN LLP

18 By: /s/ J. Christopher Carraway

J. Christopher Carraway  
19 Attorneys for Defendants  
20 SAP AMERICA, INC., and HP INC.

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25 <sup>1</sup> SAP’s Motion for Attorneys’ Fees (Dkt. 89) seeks the fees and expenses SAP incurred defending both itself and its  
26 customer HP. The parties stipulate that the resolution reached by HP and Plaintiff to dismiss HP from the action does  
27 not include any resolution of the fees and costs SAP incurred defending HP. Thus, the parties stipulate that SAP’s  
28 claim for fees and expenses incurred defending itself and HP survive this stipulation, the vacating of the judgment  
against HP, and the dismissal with prejudice of HP. Thus, the parties stipulate that should the Court grant SAP’s  
Motion for Attorneys’ Fees (Dkt. 89), SAP is not precluded from recovering the fees and expenses it incurred  
defending HP as well as itself.

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**ATTESTATION**

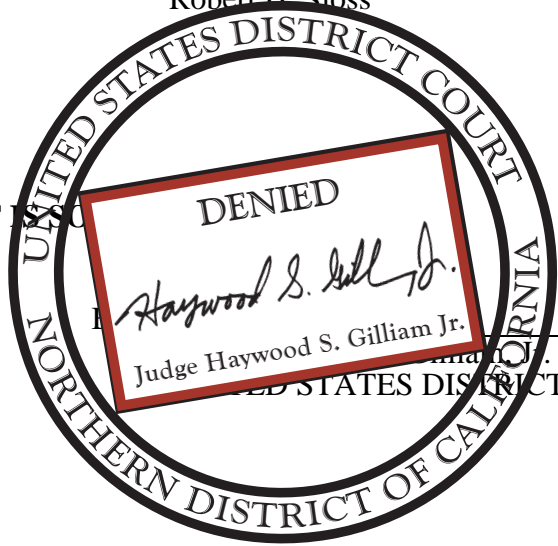
I hereby attest that all other signatories listed, and on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.

Dated: May 21, 2019

By: /s/ Robert H. Sloss  
Robert H. Sloss

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

Dated: 5/22/2019



Haywood S. Gilliam Jr.  
JUDGE