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 APPLE INC.

10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 OAKLAND DIVISION

14 ZOMM, INC.,
 15 Plaintiff,
 16 v.
 17 APPLE INC.,
 18 Defendant.

Case No. 4:18-cv-04969-HSG
**STIPULATED REQUEST AND
 ORDER TO DISMISS
 PLAINTIFF'S NON-PATENT CAUSE
 OF ACTION**
 Judge: Haywood S. Gilliam, Jr.

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Pursuant to Civil Local Rule 7-12, Plaintiff Zomm, Inc. (“Zomm”) and Defendant Apple Inc. (“Apple”), by and through their undersigned counsel and subject to the Court’s approval, hereby submit this stipulated request to dismiss with prejudice Zomm’s cause of action for breach of contract.

WHEREAS, Zomm filed a Second Amended Complaint on July 17, 2019 (Dkt. No. 84);

WHEREAS, Apple filed its Motion to Dismiss Zomm’s Non-Patent Cause of Action on August 21, 2019, and noticed the motion for hearing on January 23, 2020 (Dkt. No. 88);

WHEREAS, counsel for both parties conferred about Zomm’s cause of action for breach of contract; and

WHEREAS, the parties agreed to dismiss with prejudice Zomm’s cause of action for breach of contract.

It is hereby STIPULATED AND AGREED, by and between the parties, subject to the approval of the Court, as follows:

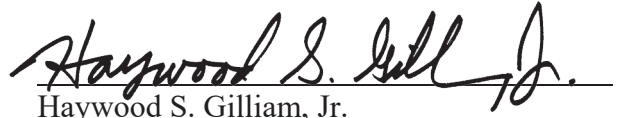
1. The Second Cause of Action (Breach of Contract) in Zomm’s Second Amended Complaint (Dkt. No. 84) is dismissed with prejudice; and
2. Each party shall bear its own costs, expenses, and attorneys’ fees associated with the claim dismissed by this Stipulated Dismissal.

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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED:

Dated: September 24, 2019


Haywood S. Gilliam, Jr.
United States District Court Judge