

FOX ROTHSCHILD LLP
235 Pine Street, Suite 1500
San Francisco, CA 94104-2734
(415) 364-5540 Facsimile (415) 391 -4436

1 PHILLIP F. SHINN, SBN 112051
2 FOX ROTHSCHILD LLP
3 235 Pine Street, Suite 1500
4 San Francisco, CA 94104-2734
5 415/364-5540 // FAX: 415/391-4436
6 ATTORNEYS FOR PLAINTIFF
7 ASPECT COMMUNICATIONS CORP.
8 STEVEN KAUFHOLD, SBN 157195
9 AKIN GUMP STRAUSS HAUER & FELD, LLP
10 580 California Street, 15th Floor
11 San Francisco, CA 94104
12 415/765-9500 // FAX: 415/765-9501
13 ATTORNEYS FOR DEFENDANT
14 AVAYA BRASIL, LTDA.



IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

17 ASPECT COMMUNICATIONS CORP.,
18 Plaintiff,
19 v.
20 AVAYA BRASIL, LTDA., LUCENT
21 TECHNOLOGIES BRASIL LTDA. and
22 DOES 1 through 35, Inclusive,
23 Defendants.

Case No.: CV 04-03172 JW
*STIPULATION AND [Proposed] ORDER
DISMISSING COMPLAINT WITH
PREJUDICE*
Complaint Filed: August 4, 2004

Pursuant to the Parties' agreement, Aspect Communications Corp., on the one hand, and Avaya Brasil, Ltda., on the other hand, by and through their respective counsel, hereby stipulate and agree pursuant to Federal Rules of Civil Procedure 41 (a) that the above-captioned action, including all claims therein, is hereby dismissed with prejudice, with each party to bear its own expenses, costs and attorneys' fees.

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Dated: April 7, 2009

FOX ROTHSCHILD LLP

By: /s/ Phillip F. Shinn

Phillip F. Shinn

Attorneys for Plaintiff Aspect Communications Corp.

Dated: April 7, 2009

AKIN GUMP STRAUSS HAUER & FELD LLP

By: /s/ Steven Kaufhold

Steven Kaufhold

Attorneys for Defendant Avaya Brasil, Ltda.

ATTESTATION PURSUANT TO GENERAL ORDER 45

I, Phillip F. Shinn, attest that concurrence in the filing of this document has been obtained from any signatories indicated by a “conformed” signature (/s/) within this e-filed document.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: April 7, 2009

FOX ROTHSCHILD LLP

By: /s/ Phillip F. Shinn

Phillip F. Shinn

Attorneys for Plaintiff Aspect Communications Corp.

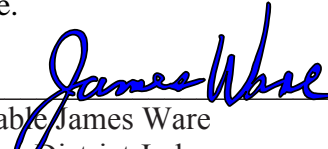
~~PROPOSED~~ **ORDER DISMISSING COMPLAINT WITH PREJUDICE**

The parties having so stipulated, IT IS ORDERED that the above-captioned action, including all claims therein, is hereby dismissed with prejudice, with each party to bear his or its own expenses, costs and attorneys’ fees.

IT IS ORDERED. The Clerk shall close this file.

Dated: April 28, 2009

By: _____


The Honorable James Ware

United States District Judge