

1 COOLEY GODWARD LLP  
MICHAEL G. RHODES (116127)  
2 JAMES R. PATTERSON (211102)  
4401 Eastgate Mall  
3 San Diego, CA 92121  
Telephone: (858) 550-6000  
4 Facsimile: (858) 550-6420

5 Attorneys for Plaintiff  
EBAY INC.

6  
7 HUGHES HUBBARD & REED LLP  
CHARLES AVRITH (96804)  
350 South Grand Avenue  
8 36<sup>th</sup> Floor  
Los Angeles, CA 90071  
9 Telephone: (213) 613-2800  
10 Facsimile: (213) 613-2950

11 Attorneys for Defendant  
NIKON INC.

12  
13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA

15  
16 EBAY INC., a Delaware Corporation,  
17 Plaintiff,

18 v.

19 NIKON INC., a New York corporation,  
20 Defendants.

Case No. C 05 00491 RS

**JOINT STIPULATION OF DISMISSAL**

Judge: Hon. Richard Seeborg  
Courtroom: 4, 5th Floor

21  
22 WHEREAS, Plaintiff eBay Inc., a Delaware corporation, and defendant Nikon Inc., a New  
23 York corporation, by and through their respective counsel, have agreed to resolve this action in its  
24 entirety as between themselves only;

25 ACCORDINGLY, IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES HEREIN,  
26 subject to the approval of the Court, as follows:

- 27 1. The parties have entered into a separate settlement agreement and mutual  
28 release and, pursuant thereto, the action is being dismissed in its entirety

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

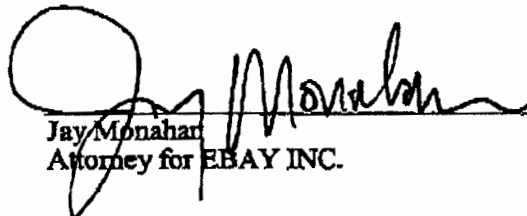
with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2). The parties will bear their own costs and attorneys' fees in this action.

2. The Court shall retain jurisdiction over this matter to enforce the settlement reached by the parties.

Having read and understood the foregoing, and having obtained the express permission and consent of their respective clients with respect thereto, the undersigned counsel of record hereby acknowledge their clients' agreement and consent hereto by signing below.

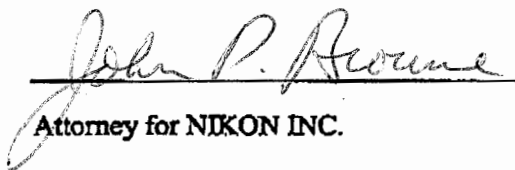
Dated: April 24, 2005

EBAY INC.  
JAY MONAHAN

  
Jay Monahan  
Attorney for EBAY INC.

Dated: April 28, 2005

NIKON INC.  
JOHN P. BROWNE

  
John P. Browne  
Attorney for NIKON INC.

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

Dated: \_\_\_\_\_

\_\_\_\_\_  
Judge, United States District Court

459361 v2/SD  
9%g1021.DOC