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INTERNATIONAL GAME TECHNOLOGY and IGT

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA**

**SAN JOSE DIVISION**

19 ARISTOCRAT TECHNOLOGIES  
 20 AUSTRALIA PTY LIMITED and  
 ARISTOCRAT TECHNOLOGIES, INC.,

21 Plaintiffs,

22 v.

23 INTERNATIONAL GAME TECHNOLOGY and  
 IGT,

24 Defendants.

Case No.: C-06-3717-RMW (RS)

**STIPULATION AND  
 ORDER VACATING  
 DISMISSAL WITHOUT PREJUDICE  
 OF DEFENDANTS' COUNTERCLAIMS**

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 28 STIPULATION AND ORDER VACATING  
 DISMISSAL WITHOUT PREJUDICE OF  
 DEFENDANTS' COUNTERCLAIMS

Case No.: C-06-3717-RMW (RS)

1 Plaintiffs Aristocrat Technologies Australia Pty Limited and Aristocrat Technologies, Inc.,  
2 and Defendants International Game Technology and IGT, present this Stipulation And [Proposed]  
3 Order Vacating Dismissal Without Prejudice Of Defendants' Counterclaims. On September 11,  
4 2007, the Court entered a final judgment of invalidity with regard to the asserted patents in this case.  
5 Dkt #372. As a result of that ruling, and with Defendants' consent, the Court also dismissed without  
6 prejudice Defendants' remaining counterclaims. *Id.* On appeal, the judgment of invalidity was  
7 reversed. Now that the case has been remanded, Defendants intend to assert the previously  
8 dismissed counterclaims and desire that they be reinstated.

9 Therefore, the parties stipulate to the vacation of, and request that the Court vacate, the  
10 dismissal without prejudice of Defendants' counterclaims so that those counterclaims are reinstated.  
11

12 Dated: April 20, 2009

By: s/ Robert T. Cruzen

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INTERNATIONAL GAME TECHNOLOGY and IGT

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Dated: April 20, 2009

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LIMITED and ARISTOCRAT TECHNOLOGIES, INC.

Filer's Attestation: Pursuant to General Order No. 45, § X(B), I attest under penalty of perjury that concurrence in the filing of this document has been obtained from its signatories.

Dated: April 20, 2009

By: s/ Robert T. Cruzen

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated this 30 day of April, 2009.



The Honorable Ronald M. Whyte  
United States District Court Judge

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**PROOF OF SERVICE**

The undersigned hereby certifies that on April 20, 2009, the foregoing STIPULATION AND (PROPOSED) ORDER VACATING DISMISSAL WITHOUT PREJUDICE OF IGT'S COUNTERCLAIMS was electronically filed with the Clerk of the Court and served on all counsel of record using the CM/ECF System.

s/ Robert T. Cruzen