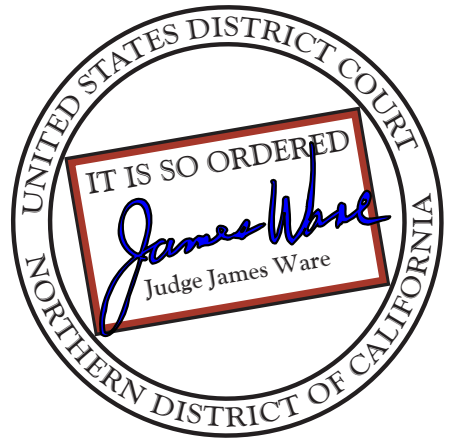


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Counsel Listed on Signature Page



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FENWICK & WEST LLP
ATTORNEYS AT LAW
SAN FRANCISCO

NETBULA, LLC, a Delaware limited liability company,

Plaintiff,

v.

STORAGE TECHNOLOGY CORPORATION, a Delaware corporation; SUN MICROSYSTEMS, INC., a Delaware corporation; and DOES 1-10, inclusive,

Defendants.

Case No. C-06-07391-JW

STIPULATION AND [PROPOSED] ORDER DISMISSING COMPLAINT AND COUNTERCLAIMS WITH PREJUDICE

SUN MICROSYSTEMS, INC., a Delaware corporation,

Counter-Claimant,

v.

NETBULA, LLC, a Delaware limited liability company,

Counterclaim Defendant,

and

DONGXIAO YUE, an individual,

Third-Party Counterclaim Defendant.

STIP. & [PROPOSED] ORDER DISMISSING COMPL. & COUNTERCLAIMS WITH PREJUDICE

CASE NO. 06-07391-JW

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The parties to the above-captioned action, by and through their respective counsel, hereby stipulate and agree pursuant to Federal Rule of Civil Procedure 41(a) and (c) that the above-captioned action, including all claims and counter-claims therein as alleged against all defendants and counter-defendants, is hereby dismissed with prejudice, with each party to bear its own expenses, costs, and attorneys' fees.

Dated: March 11, 2009

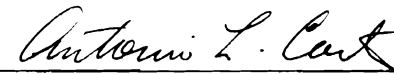
FENWICK & WEST LLP

By: 
Jedediah Wakefield

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Attorneys for Defendant and Counterclaimant
SUN MICROSYSTEMS, INC. and Defendants EMC
CORPORATION and DARDEN RESTAURANTS, INC.

Dated: March 24, 2009

By: 
Antonio L. Cortes

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LLC and Counter-Defendant DONGXIAO YUE

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Dated: March 24, 2009

QUINN EMANUEL URQUHART OLIVER & HEDGES, LLP

By: _____

/s/
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Attorneys for Defendant

INTERNATIONAL BUSINESS MACHINES CORPORATION

ATTORNEY ATTESTATION

Pursuant to General Order 45, I hereby attest that concurrence in the filing of this document has been obtained from the signatory indicated by a 'conformed' signature (/S/) within this e-filed document.

_____/s/_____
Antonio L. Cortés

Antonio L. Cortés

[PROPOSED] ORDER

IT IS SO ORDERED

The Clerk shall close this file.

Dated: March 25, 2009

By: _____

James Ware
Honorable James Ware
United States District Judge

25689/00400/SF/5252731.2