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8 Attorneys for Defendant
 PEGASYSTEMS INC. and DEREK WITTE

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 10 **[ADDITIONAL PARTY APPEARS ON
 SIGNATURE PAGE]**

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 SAN JOSE DIVISION

FENWICK & WEST LLP
 ATTORNEYS AT LAW
 SAN FRANCISCO

15 NETBULA, LLC and DONGXIAO YUE,
 16 Plaintiffs,
 17 v.
 18 CHORDIANT SOFTWARE, INC.¹, et al.,
 19 Defendants.

Case No. 5:08-cv-00019-JW (HRL)

STIPULATION AND [PROPOSED] ORDER DISMISSING ACTION WITH PREJUDICE AND RELEASING DEPOSITED FUNDS

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 27 ¹ On February 17, 2011, the Court entered an order whereby Pegasystems Inc., as successor-in-
 28 interest to Chordiant Softare, Inc., was substituted as the defendant pursuant to Federal Rule of
 Civil Procedure 25. See Dkt. No. 605.

1 WHEREAS on or about November 15, 2010, in lieu of posting a supersedeas bond,
2 Pegasystems Inc. (“Pegasystems”), the successor-in-interest to Chordiant, deposited a cashier’s
3 check in the amount of \$1,843,457.80 with the Clerk of the Court and for the benefit of Chordiant
4 (Dkt. No. 589);

5 WHEREAS on or about November 17, 2010, the Court entered an Order approving the
6 deposit in lieu of a supersedeas bond and stayed execution of the judgment in this action pending
7 appeal (Dkt. No. 591);

8 WHEREAS the November 17 Order further instructed the “Clerk of the Court [to] deposit
9 the cashier check and hold on to the funds subject to further order of the Court”;

10 WHEREAS on or about February 17, 2011, the Court entered an order whereby
11 Pegasystems was substituted in for Chordiant pursuant to Federal Rule of Civil Procedure 25
12 (Dkt. No. 605);

13 WHEREAS the parties have reached a settlement that fully resolves the issues between
14 the parties.

15 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiffs Netbula, LLC
16 and Dongxiao Yue (collectively, “Plaintiffs”) and Defendants Pegasystems Inc., formerly
17 Chordiant Software, Inc., and Derek Witte (collectively, “Defendants”), by and through their
18 respective undersigned counsel, that (1) the Judgment entered in this action shall be deemed
19 satisfied; (2) the award of costs to Plaintiffs shall be deemed satisfied; and (3), pursuant to
20 Federal Rule of Civil Procedure 41(a)(2), any and all remaining claims, including the claim
21 reflected in the Court’s report and recommendation [Dkt. No. 594] asserted in the above-
22 captioned matter be and hereby are DISMISSED WITH PREJUDICE, each party to bear its own
23 attorneys’ fees and costs.

24 Additionally, THE PARTIES HEREBY STIPULATE AND REQUEST THE COURT TO
25 ORDER the Clerk of the Court to issue a cashier’s check in the name of Pegasystems Inc. in the
26 amount of \$1,843,457.80 plus any interest accrued since that amount was deposited by
27 Pegasystems Inc. on November 15, 2010, such check to issue forthwith after entry of dismissal of
28 this action by the Court.

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SO STIPULATED

Dated: April 13, 2011

FENWICK & WEST LLP

By: /s/ Jedediah Wakefield
Jedediah Wakefield

Attorneys for Defendants PEGASYSTEMS INC.
and DEREK P. WITTE

Dated: April 13, 2011

By: /s/ Antonio L. Cortés
Antonio L. Cortés

Attorney for Plaintiffs NETBULA, LLC and
DONGXIAO YUE


ATTORNEY ATTESTATION

Pursuant to General Order 45, I hereby attest that 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/ Jedediah Wakefield
Jedediah Wakefield

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: April 21 , 2011


 The Honorable James Ware
United States District Court Judge

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