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8 AVOCET SPORTS TECHNOLOGY, INC.,
9 AND VERTICAL INSTRUMENTS, INC.



1/16/2009

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 AVOCET SPORTS TECHNOLOGY,
13 INC., AND VERTICAL INSTRUMENTS,
14 INC.,

15 Plaintiffs,

16 v.

No. CV-08-4264 PVT

**STIPULATED DISMISSAL OF
SECOND CAUSE OF ACTION (OF
FIRST AMENDED COMPLAINT) FOR
UNFAIR COMPETITION WITHOUT
PREJUDICE**

17 AMER SPORTS CORPORATION,
18 SUUNTO U.S.A., INC., AMER SPORTS
19 U.S.A., AND AMER SPORTS WINTER
20 & OUTDOOR COMPANY, a Delaware
21 Corporation,

22 Defendants.

23 Per stipulation of the parties, through their respective counsel of record, and
24 pursuant to Rule 41(a), plaintiffs hereby dismiss the Second Cause of Action (of the
25 First Amended Complaint, filed November 21, 2008) for unfair competition against all
26 defendants without prejudice.

27 DATED: January 5, 2009

28 /s/ Frear Stephen Schmid
Frear Stephen Schmid, Attorney for
Plaintiffs AVOCET SPORTS
TECHNOLOGY, INC., AND VERTICAL
INSTRUMENTS, INC.

1 DATED: January 5, 2009

TOWNSEND AND TOWNSEND AND
CREW, LLP

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3 /s/ Robert A. McFarlane
4 Robert A. McFarlane, Attorneys for
5 Defendant AMER SPORTS WINTER &
6 OUTDOOR COMPANY
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