

SHARTSIS FRIESE LLP
ONE MARITIME PLAZA
EIGHTEENTH FLOOR
SAN FRANCISCO, CA 9 4111

1 SHARTSIS FRIESE LLP
2 ROBERT CHARLES WARD (Bar #160824)
3 JAMES P. MARTIN (Bar #170044)
4 FELICIA A. DRAPER (Bar #242668)
5 KATHERINE R. MILLER (Bar #247390)
6 One Maritime Plaza, Eighteenth Floor
7 San Francisco, CA 94111
8 Telephone: (415) 421-6500
9 Facsimile: (415) 421-2922
10 Email: rward@sflaw.com
11 jmartin@sflaw.com
12 fdraper@sflaw.com
13 kmiller@sflaw.com

E-FILED - 1/22/10

8 Attorneys for Plaintiff
9 E&E Co., Ltd.

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

13 E&E Co., Ltd., a California Corporation,

14 Plaintiff,

15 v.

16 DIVATEX HOME FASHION, INC., a
17 New York corporation, DWI HOLDINGS,
18 INC., a Delaware corporation and
19 HIMATSINGKA AMERICA, INC., a New
20 York corporation and DOES 1-100,
21 inclusive,

22 Defendants.

Case No. C-08-05660 RMW

**STIPULATION TO DISMISS
[FED. R. CIV. PROC. 41]
AND ORDER**

21 AND RELATED COUNTERCLAIM

23 IT IS HEREBY STIPULATED by and between E&E CO., LTD. (“E&E”), DWI
24 HOLDINGS, INC. (“DWP”), and HIMATSINGKA AMERICA, INC. (“Himatsingka”)
25 (collectively, the “Parties”) by and through their undersigned counsel, enter into this Stipulation
26 so as to provide for the dismissal of their claims against one another without costs.

27 THE PARTIES DO HEREBY STIPULATE AND AGREE AS FOLLOWS:

28 1. E&E dismisses with prejudice its cause of action for Unlawful Competition against

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

DWI and Himatsingka.

2. E&E Co., Ltd. dismisses without prejudice its cause of action for Copyright Infringement under 17 U.S.C. § 501 against Himatsingka.

3. Himatsingka is dismissed as a defendant without prejudice from this lawsuit.

4. DWI is dismissed as a defendant with prejudice from this lawsuit.

5. DWI and Himatsingka dismiss with prejudice their counterclaim cause of action for Unlawful Competition against E&E.

6. DWI and Himatsingka dismiss with prejudice their counterclaim cause of action for Tortious Interference with Business Relations against E&E.

7. Himatsingka dismisses without prejudice its declaratory judgment counterclaim against E&E.

DATED: November 19, 2009

SHARTSIS FRIESE LLP

By: /s/ James P. Martin
JAMES P. MARTIN

Attorneys for E&E CO., LTD.

DATED: January 15, 2010

MCDERMOTT WILL & EMERY LLP

By: /s/ Edwin H. Wheeler
EDWIN H. WHEELER

Attorneys for DWI HOLDINGS, INC. and HIMATSINGKA AMERICA, INC.

ORDER

IT IS SO ORDERED.

DATED: 1/22/10

Ronald M. Whyte
JUDGE RONALD M. WHYTE