

SHARTSIS FRIESE LLP
ONE MARITIME PLAZA
EIGHTEENTH FLOOR
SAN FRANCISCO, CA 94111

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

E-FILED - 7/14/10

7 Attorneys for Plaintiff E&E Co., Ltd.

8
9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11
12 E&E Co., Ltd., a California Corporation,

Case No. C-08-05660 RMW

13 Plaintiff,

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

14 v.

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

18 Defendants.

19
20 AND RELATED COUNTERCLAIM
21

SHARTSIS FRIESE LLP
ONE MARITIME PLAZA
EIGHTEENTH FLOOR
SAN FRANCISCO, CA 94111

1 Plaintiff E&E CO., LTD. ("E&E") and Defendant DIVATEX HOME FASHION, INC.
2 ("DIVATEX") (collectively, the "Parties"), by and through their respective, undersigned counsel,
3 enter into this Stipulation so as to provide for the dismissal of this action.

4 WHEREAS the Parties have entered into a Settlement Agreement, resolving the
5 Copyright Infringement cause of action E&E asserted against DIVATEX in this action;

6 THE PARTIES DO HEREBY STIPULATE AND AGREE that E&E dismisses with
7 prejudice its cause of action for Copyright Infringement under 17 U.S.C. § 501 against
8 DIVATEX.

9 DATED: June 23, 2010

SHARTSIS FRIESE LLP

11 By: /s/ Robert Charles Ward
12 ROBERT CHARLES WARD

13 Attorneys for E&E CO., LTD.

14 DATED: June 23, 2010

ROPERS, MAJESKI, KOHN & BENTLEY

16 By: /s/Robert P. Andris
17 ROBERT P. ANDRIS

18 Attorneys for DIVATEX HOME FASHION,
19 INC.

20 **ORDER**

21 **IT IS SO ORDERED.**

22 DATED: 7/14/10

23 Ronald M. Whyte
24 JUDGE RONALD M. WHYTE

25 6197\009\1640947.1