

1 Greg L. Lippetz (State Bar No. 154228)  
 2 glippetz@jonesday.com  
 3 Cora L. Schmid (State Bar No. 237267)  
 4 cschmid@jonesday.com  
 5 JONES DAY  
 6 1755 Embarcadero Road  
 7 Palo Alto, CA 94303  
 8 Telephone: 650-739-3939  
 9 Facsimile: 650-739-3900

David N. Kuhn - State Bar No. 73389  
 Attorney-at-Law  
 144 Hagar Avenue  
 Piedmont, CA 94611  
 Telephone: (510) 653-4983  
 E-mail: dnkuhn@pacbell.net  
 Attorney for Plaintiff and Counter-Defendant  
 Gregory Bender

Attorneys for Defendant and  
 Counter-Claimant International  
 Business Machines Corporation

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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

Gregory Bender,  
 Plaintiff and Counter-Defendant,  
 v.  
 International Business Machines  
 Corporation,  
 Defendant and Counter-Claimant.

Case No. C09-01249-RMW

**STIPULATION AND []  
 ORDER OF DISMISSAL OF  
 CLAIMS AND COUNTERCLAIMS  
 WITH PREJUDICE**

Plaintiff and Counter-Defendant Gregory Bender and Defendant and Counter-Claimant International Business Machines Corporation inform the court that they have reached agreement on the terms of dismissal of the claims and counterclaims in the above-entitled action and hereby submit this Stipulation of Dismissal.

Pursuant to Rule 41(a)(2) and (c) of the Federal Rules of Civil Procedure, the parties hereby stipulate to dismiss WITH PREJUDICE all claims and counterclaims in this action asserted by the parties, with each party to bear its own costs, expenses, and attorney's fees.

SO STIPULATED.

