1	Greg L. Lippetz (State Bar No. 154228)	David N. Kuhn - State Bar No. 73389
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4	1755 Embarcadero Road Palo Alto, CA 94303	E-mail: dnkuhn@pacbell.net
5	Telephone: 650-739-3939 Facsimile: 650-739-3900	Attorney for Plaintiff and Counter-Defendant Gregory Bender
6 7	Attorneys for Defendant and Counter-Claimant International Business Machines Corporation	<u>*E-FILED - 10/5/10*</u>
8		NOTEDICT COLUMN
9	UNITED STATES DISTRICT COURT	
10	NORTHERN DISTRICT OF CALIFORNIA	
11	SAN JOSE DIVISION	
12	Gregory Bender,	Case No. C09-01249-RMW
13	Plaintiff and Counter-Defendant,	STIPULATION AND []
14	v.	ORDER OF DISMISSAL OF CLAIMS AND COUNTERCLAIMS
15	International Business Machines	WITH PREJUDICE
16	Corporation,	
17	Defendant and Counter-Claimant.	
18	Plaintiff and Counter-Defendant Gregory Bender and Defendant and Counter-Claimant	
19	International Business Machines Corporation inform the court that they have reached agreement	
20	on the terms of dismissal of the claims and counterclaims in the above-entitled action and hereby	
21	submit this Stipulation of Dismissal.	
22	Pursuant to Rule 41(a)(2) and (c) of the Federal Rules of Civil Procedure, the parties	
23	hereby stipulate to dismiss WITH PREJUDICE all claims and counterclaims in this action	
24	asserted by the parties, with each party to bear its own costs, expenses, and attorney's fees.	
25	SO STIPULATED.	
26		
27		
28		
		STIPULATION AND [] ORDER OF DISMISSAL WITH PREJUDICE CASE NO. 09-cv-01249-RMW

1		Respectfully submitted,
2	Dated: September 27, 2010	Jones Day
3		
4		By: /s/ Gregory Lippetz
5		Greg L. Lippetz State Bar No. 154228 JONES DAY
6		Silicon Valley Office 1755 Embarcadero Road
7		Palo Alto, CA 94303
8		Telephone: 650-739-3939 Facsimile: 650-739-3900
9		Counsel for Defendant and Counter-Claimant International Business Machines Corporation
10		international Business Machines Corporation
11		
12	In accordance with General Order No. 45, Section X(B), the above signatory attests that	
13	concurrence in the filing of this document has been obtained from the signatory below.	
14		
15	Dated: September 27, 2010	By: /s/ David Kuhn David N. Kuhn
16		Attorney-at-Law 144 Hagar Avenue
17		Piedmont, California 94611 Telephone: (510) 653-4983
18		Counsel for Plaintiff and Counter-Defendant
19		Gregory Bender
20		
21	PURSUANT TO STIPULATION, IT IS SO ORDERED:	
22		
23		By: Konald M. Whyte
24	DATED: <u>10/5</u> , 2010	By: THE HON. RONALD M. WHY E
25		United States District Court Judge
26		
27	SVI-85027v1	
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