

1 DARALYN J. DURIE (SBN 169825)
 ddurie@durietangri.com
 2 RYAN M. KENT (SBN 220441)
 rkent@durietangri.com
 3 217 Leidesdorff Street
 San Francisco, CA 94111
 4 Telephone: 415-362-6666
 Facsimile: 415-236-6300

5 SCHEEF & STONE, LLP
 6 JOHN G. FISCHER (pro hac vice)
 john.fischer@solidcounsel.com
 7 BRYAN HAYNES (pro hac vice)
 bhaynes@solidcounsel.com
 8 ERIC C. WOOD (pro hac vice)
 9 eric.wood@solidcounsel.com
 500 N. Akard, Suite 2700
 10 Dallas, Texas 75201
 11 Telephone: 214-706-4200
 Facsimile: 214-706-4242
 12 Attorneys for Plaintiff
 C&C Jewelry Manufacturing, Inc.

14 Edward Vincent King, Jr. (SBN 085726)
 KING & KELLEHER, LLP
 15 Four Embarcadero Center, 17th Floor
 San Francisco, CA 94111
 16 Telephone: (415) 781-2888
 Facsimile: (415) 781-3011
 17 Attorneys for Defendant Trent West

19 IN THE UNITED STATES DISTRICT COURT
 20 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

21 C&C JEWELRY MANUFACTURING,
 22 INC., a California corporation,
 23 Plaintiff and Counter-
 Defendant,
 24 v.
 25 TRENT WEST,
 26 Defendant and Counter-
 27 Claimant.

Case No. 5:09-cv-01303-JF-HRL
**JOINT STIPULATION AND [PROPOSED]
 ORDER OF PARTIAL DISMISSAL
 WITHOUT PREJUDICE**
 Judge: Honorable Jeremy Fogel

1 Pursuant to FED. R. CIV. P., Rules 41(a)(1)(A)(ii) and 41(c), Plaintiff and Counter-
2 Defendant C&C Jewelry Mfg. Co, Inc. ("C&C"), and Defendant and Counter-Claimant Trent
3 West ("West") hereby jointly file this Stipulation of Partial Dismissal Without Prejudice as
4 follows:

5 I.

6 C&C hereby dismisses, without prejudice, Count VII (Non-Infringement, Invalidity, and
7 Unenforceability of U.S. Patent No. 7,076,972) set forth in its original Complaint for Declaratory
8 Judgment (Doc. No. 1).

9 II.

10 West hereby dismisses, without prejudice, its First Counterclaim (Infringement of U.S.
11 Patent No. 7,076,972) set forth in its original Answer and Counterclaims (Doc. No. 6).

12 III.

13 West stipulates to C&C's dismissal without prejudice of its Count VII (Non-
14 Infringement, Invalidity, and Unenforceability of U.S. Patent No. 7,076,972). C&C stipulates to
15 West's dismissal without prejudice of its First Counterclaim (Infringement of U.S. Patent No.
16 7,076,972).

17 IV.

18 Each of the parties agrees to bear its respective fees and costs in this action with regard to
19 the claims dismissed herein.

20
21 Respectfully stipulated to by:

22 SCHEEF & STONE, LLP

KING & KELLEHER, LLP

24 By: /s/ John G. Fischer
25 John G. Fischer

By: /s/ Edward Vincent King
Edward Vincent King

26 Attorneys for Plaintiff C&C Jewelry Mfg.,
27 Inc.

Attorneys for Defendant Trent
West

28 Date: May 19, 2011

Date: May 19, 2011

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

FILER'S ATTESTATION

Pursuant to General Order No. 45, Section X (B) regarding signatures, I, John Fischer,
attest that concurrence in the filing of this document has been obtained.

SCHEEF & STONE, LLP

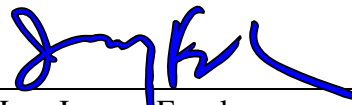
By: /s/ John G. Fischer
John G. Fischer

Attorneys for Plaintiff C&C Jewelry Mfg.,
Inc.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

June 8

DATED: ~~May~~ _____, 2011.



Hon. Jeremy Fogel
United States District Judge