



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

EMERGING VISION, INC. and
STERLING VISION OF CALIFORNIA, INC.,

Plaintiffs,

v.

FOR EYES OPTICAL COMPANY,

Defendant.

Case No. C 09-01343 JW (HRL)
The Hon. JAMES WARE

STIPULATION OF DISMISSAL

IT IS HEREBY STIPULATED AND AGREED, between plaintiffs Emerging Vision, Inc. and Sterling Vision of California, Inc. ("Plaintiffs") and defendant For Eyes Optical Company ("Defendant"), by their respective attorneys, that pursuant to Rule 41, Federal Rules of Civil Procedure, all of Plaintiffs' claims against Defendant and all of Defendant's counterclaims against Plaintiffs in this case be dismissed with prejudice in accordance with the terms and obligations contained in the parties' Settlement Agreement and Releases, dated December 31, 2009.

Each of the parties shall bear its own costs and attorneys' fees in connection with the prosecution and defense of this action.

JANUARY 15, 2010
Dated: ~~December~~ January 15, 2010, 2009*
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** WITH PERMISSION*

1 **IT IS SO ORDERED:**

2 The Court approves the stipulation. The Court terminates any remaining pending deadlines, hearings or
3 motions. The Clerk shall close this file.

4 Dated: January 20, 2010


United States District Judge

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