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1 Michael E. Dergosits (Bar No. 118206)
Teddy K. Joe (Bar No. 242589)
2 DERGOSITS & NOAH, LLP
Three Embarcadero Center, Suite 410
3 San Francisco, CA 94111
Telephone: (415) 705-6377
4 Facsimile: (415) 750-6383
mdergosits@dergnoah.com
5 tjoe@dergnoah.com

6 Matthew J.M. Prebeg (*pro hac vice*)
Edward W. Goldstein (*pro hac vice*)
7 Holly H. Barnes (*pro hac vice*)
GOLDSTEIN, FAUCETT & PREBEG L.L.P.
1177 West Loop South, Suite 400
8 Houston, TX 77027
Telephone: (713) 877-1515
9 Facsimile: (713) 877-1735
mprebeg@gfpiplaw.com
10 egoldstein@gfpiplaw.com
hbarnes@gfpiplaw.com

11 Attorneys for Plaintiff
12 YieldBoost Technologies, Inc.

Claude M. Stern (Bar No. 96737)
QUINN EMANUEL URQUHART & SULLIVAN, LLP
555 Twin Dolphin Drive, 5th Floor
Redwood Shores, California 94065
Telephone: 650-801-5000
Facsimile: 650-801-5100
claudestern@quinnemanuel.com

Robert B. Wilson (*pro hac vice*)
QUINN EMANUEL URQUHART & SULLIVAN, LLP
51 Madison Avenue, 22nd Floor
New York, New York 10010-1601
Telephone: (212) 849-7000
Facsimile: (212) 849-7100
robertwilson@quinnemanuel.com

Jesse Geraci (Bar No. 259755)
QUINN EMANUEL URQUHART & SULLIVAN, LLP
50 California Street, 22nd Floor
San Francisco, California 94111
Telephone: (415) 875 6600
Facsimile: (415) 875 6700
jessegeraci@quinnemanuel.com

Attorneys for Defendants Photon Dynamics,
Inc. and Orbotech, Inc.

16 **IN THE UNITED STATES DISTRICT COURT**
17 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
18 **SAN JOSE DIVISION**

19 YIELDBOOST TECHNOLOGIES, INC.,
20 a California corporation,
21 Plaintiff,
22 v.
23 PHOTON DYNAMICS, INC.,
a California corporation, and ORBOTECH,
INC., a Delaware corporation,
24 Defendants.
25
26

Civil Action No.: 5:09-cv-03828-RS

**[PROPOSED] ORDER GRANTING
THIRD REQUEST TO EXTEND 30-
DAY CONDITIONAL DISMISSAL
[F.R.C.P. 41(a)]**

Honorable Richard Seeborg

~~PROPOSED~~ ORDER

In consideration of the parties' third request to extend the previously-entered, voluntary 30-day Conditional Dismissal of the above-titled action, under Federal Rule of Civil Procedure 41(a),

IT IS HEREBY ORDERED THAT all scheduled dates remain VACATED, all claims asserted by Plaintiff herein shall be DISMISSED with prejudice, and all counterclaims asserted by Defendants herein shall be DISMISSED without prejudice, unless reinstated by any party within thirty (30) days – on or before August 18, 2010. Plaintiff or Defendants may restore this matter to the Court's active docket in the event that the parties fail to fully execute a written settlement agreement on or before August 18, 2010.

IT IS SO ORDERED.

Date: 7/26/10



THE HONORABLE RICHARD SEEBORG
United States District Court Judge