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 Counterclaim Plaintiff AUTHENTEC, INC.

18 UNITED STATES DISTRICT COURT  
 19 NORTHERN DISTRICT OF CALIFORNIA  
 20 SAN JOSE DIVISION

21 UPEK, Inc., a Delaware corporation,  
 22 Plaintiff,  
 23 vs.  
 24 AuthenTec, Inc., a Delaware corporation,  
 25 Defendant.

Case No. 5:10-cv-00424-JF-PVT

**JOINT STIPULATION AND [PROPOSED]  
 ORDER OF DISMISSAL**

Judge: Hon. Jeremy Fogel

26 AND RELATED COUNTERCLAIMS  
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1 On September 7, 2010, UPEK, Inc. ("UPEK") and AuthenTec, Inc. ("AuthenTec") announced  
2 that they have merged. Therefore, IT IS HEREBY STIPULATED AND AGREED, by and between  
3 the parties to the above captioned matter, that:

4 1. All of UPEK's claims in Case No. 5:10-cv-00424-JF-PVT are hereby dismissed with  
5 prejudice.

6 2. All of AuthenTec's counterclaims in Case No. 5:10-cv-00424-JF-PVT are hereby  
7 dismissed with prejudice.

8 3. The clerk is directed to close the file in the above-captioned matter.

9 4. Each party shall bear its own costs and expenses.

10 IT IS SO STIPULATED.

11 Dated: September 7, 2010

HOWREY LLP

12  
13 By: /s/ Denise M. De Mory

Denise M. De Mory  
Attorneys for Defendant / Counterclaimant  
AUTHENTEC, INC.

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16 Dated: September 7, 2010

ORRICK, HERRINGTON & SUTCLIFFE LLP

17  
18 By: /s/ Jeffrey A. Miller

Jeffrey A. Miller  
Attorneys for Plaintiff / Counterclaim  
Defendant  
UPEK, Inc.

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22 **IT IS SO ORDERED.**

23  
24 Dated: 9/9/10

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HON. Jeremy Fogel  
UNITED STATES DISTRICT JUDGE

1 **CERTIFICATION BY DENISE DE MORY PURSUANT TO GENERAL RULE NO. 45,**

2 **SECTION X. RE E-FILING ON BEHALF OF MULTIPLE SIGNATORIES**

3 1. I am an attorney licensed to practice law in the state of California, and am a partner in  
4 the law firm of Howrey LLP, counsel for Defendant/Counterclaimant AuthenTec, Inc. The statements  
5 herein are made on my personal knowledge, and if called as a witness I could and would testify  
6 thereto.

7 2. The above e-filed document contains multiple signatures. I declare that concurrence  
8 has been obtained from each of the other signatories to file this jointly prepared document with the  
9 Court. Pursuant to General Rule No. 45, I shall maintain records to support this concurrence for  
10 subsequent production for the Court if so ordered, or for inspection upon request by a party until one  
11 year after final resolution of the action (including appeal, if any).

12 I declare under penalty of perjury under the laws of the United States of America that the  
13 foregoing is true and correct on September 7, 2010.

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16 */s/ Denise M. De Mory*  
17 Denise M. De Mory  
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