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 Attorneys for Defendant
 THE TORO COMPANY

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

DIGITAL SUN, a California Corporation,

 Plaintiff,

 v.

 THE TORO COMPANY, a Delaware
 corporation,

 Defendant.

Case No. CV 10-04567 LHK

JOINT STIPULATION AND ~~PROPOSED~~
 ORDER OF DISMISSAL WITH PREJUDICE

Complaint filed: October 8, 2010
 Trial Date: None set

STIPULATION AND ~~PROPOSED~~
 ORDER OF DISMISSAL

C10-04567 LHK

The parties hereto, by and through their counsel of record, hereby stipulate pursuant to Rule 41 of the Federal Rules of Civil Procedure that this case be, and hereby is, dismissed with prejudice and without costs to either party. The parties agree that judgment may be entered accordingly.

Dated: April 19, 2011

BERGESON, LLP

By: /s/
Melinda M. Morton

Of Counsel:
Matthew L. Woods, Esq.
William H. Manning, Esq.
ROBINS, KAPLAN, MILLER & CIRESI
LLP

Attorneys for Defendant
THE TORO COMPANY

In accordance with General Order No. 45, Rule X, the above signatory attests that concurrence in the filing of this document has been obtained from the signatory below.

Dated: April 19, 2011

BLECHER & COLLINS, P.C.

By: /s/ Maxwell M. Blecher
Maxwell M. Blecher
Harold R. Collins, Jr.

Attorneys for Plaintiff
DIGITAL SUN

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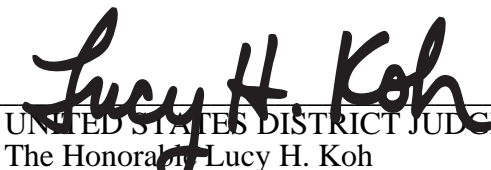
ORDER

Pursuant to the foregoing Stipulation and to Fed. R. Civ. P. 41, all claims asserted by the parties in this action are hereby dismissed with prejudice and on the merits, and with the parties bearing their own costs, expenses, disbursements and attorneys' fees.

LET THE JUDGMENT BE ENTERED ACCORDINGLY.

BY THE COURT:

Dated: April 20, 2011

By: 
UNITED STATES DISTRICT JUDGE
The Honorable Lucy H. Koh