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8 Attorneys for Defendants Atheros Communications,  
 Inc., Willy C. Shih, Teresa H. Meng,  
 9 Craig H. Barratt, Andrew S. Rappaport, Dan A. Artusi,  
 Charles E. Harris, Marshall L. Mohr, and Christine King  
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11 **UNITED STATES DISTRICT COURT**  
 12 **NORTHERN DISTRICT OF CALIFORNIA**  
 13 **SAN JOSE DIVISION**

14	_____	)	
15	JOEL KRIEGER, Individually and on Behalf	)	No. 5:11-CV-00640-LHK
16	of All Others Similarly Situated,	)	
		)	<b>CLASS ACTION</b>
	Plaintiff,	)	
17	vs.	)	STIPULATION AND [ <del>PROPOSED</del> ]
		)	ORDER FOR DISMISSAL OF
18	ATHEROS COMMUNICATIONS, INC.,	)	ACTION
	DR. WILLY C. SHIH, DR. TERESA H.	)	
19	MENG, DR. CRAIG H. BARRATT,	)	
	ANDREW S. RAPPAPORT, DAN A.	)	
20	ARTUSI, CHARLES E. HARRIS,	)	
	MARSHALL L. MOHR, CHRISTINE	)	Judge: Hon. Lucy H. Koh
21	KING, QUALCOMM INCORPORATED,	)	Date Action Filed: February 10, 2011
	AND T MERGER SUB, INC.	)	
22		)	
	Defendants.	)	
23	_____	)	

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1 IT IS HEREBY STIPULATED, by and between plaintiff Joel Krieger (“Plaintiff”)  
2 and defendants Atheros Communications, Inc. (“Atheros”), Craig H. Barratt, Willy C. Shih,  
3 Andrew S. Rappaport, Daniel A. Artusi, Charles E. Harris, Marshall L. Mohr, Christine  
4 King, Teresa H. Meng, Qualcomm Incorporated (“Qualcomm”), and T Merger Sub, Inc.  
5 (collectively, “Defendants”), through their respective counsel of record, as follows:

6 WHEREAS, on February 10, 2011, Plaintiff, individually and on behalf of all others  
7 similarly situated, filed a Class Action Complaint for Breach of Fiduciary Duty and  
8 Individual Claims for Violation Of Sections 14(a) and (e) and 20(a) of the Securities  
9 Exchange Act 1934, challenging the proposed acquisition of Atheros by Qualcomm and  
10 disclosures relating thereto;

11 WHEREAS, on June 30, 2011, Plaintiff, individually and on behalf of all others  
12 similarly situated, filed a First Amended Class Action Complaint for Violations of Sections  
13 14(a) and 20(a) of the Securities Exchange Act of 1934;

14 WHEREAS, by order dated December 12, 2011, the Court appointed Plaintiff as the  
15 lead plaintiff in this action and approved Plaintiff’s selection of Faruqi & Faruqi, LLP as  
16 lead counsel;

17 WHEREAS, by order dated May 29, 2012, the Court granted Defendants’ motions  
18 to dismiss the First Amended Complaint, dismissing Plaintiff’s equitable claim for  
19 attorneys’ fees and expenses with prejudice, dismissing Plaintiff’s claims under Section  
20 14(a) and 20(a) of the Securities Exchange Act without prejudice, and granting leave to  
21 Plaintiff to file an amended complaint that addresses the pleading deficiencies identified in  
22 the order by June 21, 2012;

23 WHEREAS, after considering the May 29, 2012 order Plaintiff and his counsel have  
24 determined not to file an amended complaint;

25 WHEREAS, the parties to this action have determined that dismissal of this action  
26 with prejudice is appropriate at this time with each side to bear its own fees and costs.

27 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and  
28 between the undersigned counsel, subject to approval of the Court, as follows:

1           1.       This action shall be dismissed with prejudice.

2           2.       Each party shall bear their own fees and costs.

3   Dated: June 12, 2012                   FARUQI & FARUQI, LLP  
4    DAVID E. BOWER  
5    10866 Wilshire Boulevard, Suite 1470  
6    Los Angeles, CA 90024

7    By /s/ David E. Bower  
8    Attorneys for Lead Plaintiff Joel Krieger

9   Dated: June 12, 2012                   PILLSBURY WINTHROP SHAW PITTMAN LLP  
10   DAVID M. FURBUSH  
11   2475 Hanover Street  
12   Palo Alto, CA 94304-1114

13   By /s/ David M. Furbush  
14   Attorneys for Defendants Atheros  
15   Communications, Inc., Craig H. Barratt,  
16   Willy C. Shih, Andrew S.Rappaport,  
17   Daniel A. Artusi, Charles E. Harris,  
18   Marshall L. Mohr, Christine King, and  
19   Teresa H. Meng

20   Dated: June 12, 2012                   DLA PIPER LLP  
21   DAVID PRIEBE  
22   2000 University Avenue  
23   East Palo Alto, CA 94303

24   By /s/ David Priebe  
25   Attorneys for Defendants Qualcomm Incorporated  
26   and T Merger Sub, Inc.

27   **ATTESTATION OF FILER**

28   Pursuant to General Order No. 45, Section X. Subparagraph B, the undersigned  
attests that all parties have concurred in the filing of this “Stipulation And [Proposed] Order  
For Dismissal Of Action.”

Dated: June 12, 2012                   By /s/ David M. Furbush

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**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED. The Clerk shall close the file.

Dated: June 13, 2012



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THE HONORABLE LUCY H. KOH