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 LLC

14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16 SAN JOSE DIVISION

18 APPLE INC., a California corporation,
 19 Plaintiff,
 20 v.
 21 SAMSUNG ELECTRONICS CO., LTD., a
 Korean corporation; SAMSUNG ELECTRONICS
 22 AMERICA, INC., a New York corporation; and
 SAMSUNG TELECOMMUNICATIONS
 23 AMERICA, LLC, a Delaware limited liability
 company,
 24 Defendants.

Case No. 11-cv-01846-LHK

**JOINT STIPULATION AND
~~PROPOSED~~ ORDER
 DISMISSING CLAIMS
 CONCERNING U.S. PATENT
 NO. D617,334 WITHOUT
 PREJUDICE**

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2 Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) and the Court’s May 10, 2012
3 Order Regarding Parties’ Statements Narrowing Claims to be Asserted at Trial (Dkt. No. 912),
4 the parties, through their respective counsel of record, hereby stipulate and agree as follows:

5 WHEREAS, Apple Inc. (“Apple”) commenced the above-captioned action (the
6 “Litigation”) against Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and
7 Samsung Telecommunications America, LLC (collectively “Samsung,” and together with Apple,
8 “the Parties” and individually each a “Party”) on April 15, 2011;

9 WHEREAS, pursuant to the Court’s May 2, 2012 Case Management Order, trial in this
10 action is currently scheduled to commence on July 30, 2012 (Dkt. No. 901);

11 WHEREAS, both parties have previously represented to each other and to the Court that
12 each is willing to dismiss certain claims and counterclaims in the interests of streamlining and
13 simplifying the issues in this case (Dkt. Nos. 893, 902);

14 WHEREAS, both parties previously submitted a Joint Stipulation and Proposed Order
15 Dismissing Claims Without Prejudice, which was entered by the Court on May 29, 2012 (Dkt.
16 No. 981);

17 WHEREAS, both parties are willing to dismiss their claims and counterclaims with
18 respect to U.S. Patent No. D617,334 in the interests of streamlining and simplifying the issues in
19 this case;

20 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the Parties as
21 follows:

22 1. This Stipulation and Order dismisses without prejudice any claims by Apple
23 against Samsung for infringement of U.S. Patent No. D617,334 (“D’334 Patent”) (Seventeenth
24 Claim for Relief).

25 2. Samsung agrees that its corresponding counterclaims seeking declaratory
26 judgment of non-infringement and invalidity for Apple’s dismissed claim for infringement of the
27 D’334 Patent should be dismissed without prejudice. This stipulation of dismissal without
28 prejudice is made subject to Samsung’s reservation of rights to reassert these or other

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counterclaims and defenses relating to Apple's dismissed claims should any such dismissed claim be revived or reasserted by Apple for any reason.

3. This Stipulation and Order is not an adjudication on the merits of any of the claims or counterclaims that are hereby dismissed without prejudice.

Dated: June 21, 2012

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: July 20, 2012

By: Lucy H. Koh
The Honorable Lucy H. Koh
United States District Judge