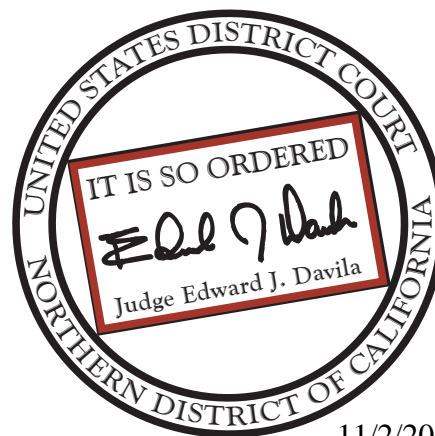


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11/2/2012

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

21 NAVCOM TECHNOLOGY, INC.; and
 DEERE & COMPANY,
 22
 Plaintiffs,
 23 vs.
 24 OKI SEMICONDUCTOR AMERICA, INC.;
 OKI ELECTRIC INDUSTRY CO., LTD.; OKI
 25 DATA AMERICAS, INC.; OKI ELECTRIC
 AMERICA, INC.; LAPIS
 26 SEMICONDUCTOR CO., LTD.; ROHM
 SEMICONDUCTOR USA, LLC, and DOES
 27 ONE THROUGH TEN inclusive,
 Defendants.

Case No. 5:12-cv-04175-EJD

STIPULATION OF DISMISSAL

1 WHEREAS, on June 22, 2012, Plaintiffs NavCom Technology, Inc. and Deere &
2 Company (“Plaintiffs”) commenced this action in the Superior Court of the State of California in
3 and for the County of Santa Clara by filing a Complaint for Damages for Breach of Contract
4 (“Complaint”);

5 WHEREAS, on August 8, 2012, Oki Electric Industry Co., Ltd. (“Oki Japan”) filed a
6 Notice of Removal of this case from the Superior Court of Santa Clara County to the United
7 States District Court for the Northern District of California;

8 WHEREAS, on September 7, 2012, Plaintiffs moved to remand this case;

9 WHEREAS, on September 21, 2012, Defendants Oki Data Americas, Inc. (“ODA”), Oki
10 Electric America, Inc. (“OEA”), Rohm Semiconductor USA, LLC (“RSU”) and Lapis
11 Semiconductor Co., Ltd. (“LSC”) moved to dismiss the Complaint against them;

12 WHEREAS, attached hereto as Exhibit A, Oki Japan has provided to Plaintiffs a
13 Declaration of Isao Goto, confirming that it is the successor under the contract at issue in the
14 Complaint, for matters at issue in the above-captioned action;

15 WHEREAS, all of the defendants presently named in the Complaint hereby agree that
16 any and all requests for production of documents directed at Oki Japan in the above-captioned
17 action will be treated as a request for production of documents to all of the defendants presently
18 named in the Complaint;

19 WHEREAS, in light of Oki Japan’s submission of the aforementioned Declaration
20 confirming that Oki Japan is the successor to the contract, Plaintiffs have agreed to voluntarily
21 dismiss the remaining defendants presently named in the Complaint;

22 WHEREAS, in light of the foregoing, the parties agree that Plaintiffs’ pending Motion to
23 Remand (Dkt. 13) and Defendants ODA, OEA, RSU, and LSC’s pending Motion to Dismiss
24 (Dkt. 33) are hereby moot;

25 IT IS HEREBY STIPULATED AND AGREED among the undersigned parties, that
26 pursuant to Federal Rules of Civil Procedure 41(a)(1)(A)(ii), that the Complaint is dismissed
27 without prejudice as to Defendants Oki Semiconductor America, Inc., Oki Data Americas, Inc.,
28

1 Oki Electric America, Inc., Lapis Semiconductor Co., Ltd., and Rohm Semiconductor USA,
2 LLC.

3 SO STIPULATED.

5 Dated: October 31, 2012

LATHAM & WATKINS, LLP

7 By: /s/ Michael A. Ladra
Michael A. Ladra

8 Attorneys for Defendants
9 Oki Electric Industry Co., Ltd.
10 Oki Electric America, Inc.
11 Rohm Semiconductor USA, LLC
12 Oki Data Americas, Inc.
Lapis Semiconductor Co., Ltd.

13 Dated: October 31, 2012

MORGAN LEWIS & BOCKIUS, LLP

14 By: /s/ Brett M. Schuman
15 Brett M. Schuman

16 Attorneys for Plaintiffs NavCom Technology, Inc.
17 and Deere & Company

18 **CIVIL L.R. 5-1(i)(3) ATTESTATION OF CONCURRENCE OF SIGNATORIES**

19 Pursuant to L.R. 5-1(i)(3), I hereby attest that concurrence in the electronic filing of this
20 document has been obtained from the other signatories.

22 Dated: October 31, 2012

LATHAM & WATKINS, LLP

24 By: /s/ Michael A. Ladra
25 Michael A. Ladra

26 Attorneys for Defendants