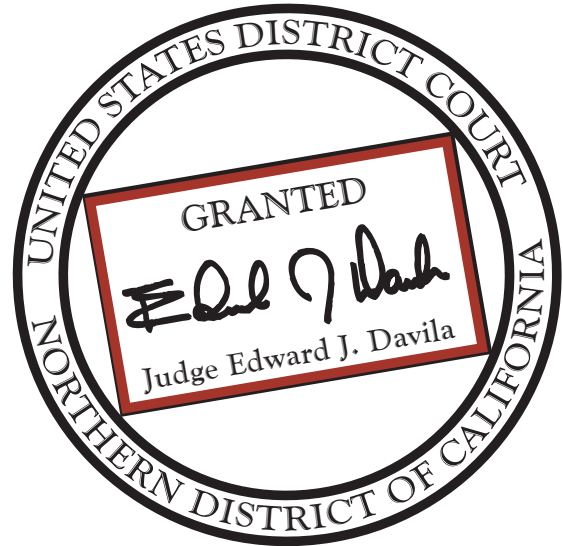


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13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 SAN JOSE DIVISION

17 VMWARE, INC.,
 18 Plaintiff,
 19 v.
 20 RACHEL SCHULTZ,
 21 Defendant.

Case No. 5:16-cv-02552-EJD

**JOINT STIPULATION TO FILE
 PLAINTIFF VMWARE'S
 AMENDED COMPLAINT AND
 WITHDRAW DEFENDANT
 RACHEL SCHULTZ'S PARTIAL
 MOTION TO DISMISS**

22 Ctrm: 4
 23 Judge Edward J. Davila

24 Plaintiff VMware, Inc., and defendant Rachel Schultz (collectively, the "Parties") file this
 25 joint stipulation to withdraw the partial motion to dismiss filed by Ms. Schultz on June 23, 2016
 26 in light of Plaintiff's filing of its First Amended Complaint pursuant to Rule 15(a)(1)(B) of the
 27 Federal Rules of Civil Procedure.

1 WHEREAS, on May 11, 2016, VMware filed a Complaint asserting a cause of action for
2 violation of California's Unfair Competition Law (ECF No. 1);

3 WHEREAS, on June 23, 2016, Ms. Schultz filed a partial motion to dismiss (ECF No. 14)
4 the above-referenced cause of action (ECF No. 14);

5 WHEREAS, in the spirit of compromise and to avoid burdening the Court, VMware has
6 prepared an Amended Complaint, a copy of which is attached as Exhibit 1 to this stipulation, that
7 it has agreed to file in this action as a matter of course pursuant to Rule 15(a)(1)(B);

8 WHEREAS, the Parties agree that the Amended Complaint moots the arguments raised in
9 Ms. Schultz's partial motion to dismiss;

10 THEREFORE, IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES
11 that, by the filing of this stipulation, Ms. Schultz hereby withdraws the partial motion to dismiss
12 filed on June 23, 2016 (ECF No. 14), provided that VMware files its Amended Complaint within
13 the time proscribed by Rule 15(a)(1)(B).

14 Dated: July 11, 2016

ARTURO J. GONZÁLEZ
ANNA T. FERRARI
MORRISON & FOERSTER LLP

17 By: /s/ Arturo J. González
18 ARTURO J. GONZÁLEZ

19 Attorneys for Plaintiff
VMWARE, INC.

20 Dated: July 11, 2016

DAVID R. BURTT
MOBILITY LEGAL P.C.

23 By: /s/ David R. Burtt
24 DAVID R. BURTT

25 Attorneys for Defendant
RACHEL SCHULTZ

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ATTESTATION

I, Arturo J. González, am the ECF User whose ID and Password are being used to file this document. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that David R. Burttt concurs in this filing.

Dated: July 11, 2016

MORRISON & FOERSTER LLP

By: /s/ Arturo J. González
ARTURO J. GONZÁLEZ