

**FILED**

Apr 28 2021

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

1 THOMAS A. BURG (Bar No. 211937)  
2 Bialson, Bergen & Schwab  
3 830 Menlo Avenue, Suite 201  
4 Menlo Park, California 94025  
5 Telephone: (650) 857-9500  
6 Facsimile: (650) 494-2738  
7 tburg@bbslaw.com

8 Attorneys for Plaintiff  
9 SUPER MICRO COMPUTER, INC.

10 AUSTIN G. BOSARGE (Bar No. 188364)  
11 Turning Point Law  
12 911 Lakeville St.  
13 Petaluma, CA 94952  
14 Telephone: (415) 492-2041  
15 Facsimile: (888) 977-5380  
16 abosarge@turningpointlaw.com

17 Attorneys for Defendant  
18 PCPC DIRECT, LTD.

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

22 SUPER MICRO COMPUTER, INC., a Delaware )	<b>CASE NO. 5:20-cv-6648-NC</b>
23 corporation; )	
24 Plaintiff, )	
25 vs. )	
26 PCPC DIRECT, LTD.; a Texas Limited )	
27 Partnership; )	
28 Defendant. )	

29 Plaintiff Super Micro Computer, Inc. (“Super Micro”) and Defendant PCPC Direct, Ltd.  
30 (hereinafter “Defendant”) hereby stipulate, agree and respectfully request that the Court issue an  
31 order dismissing this action and retaining jurisdiction over the parties’ settlement agreement. The  
32 parties submit the following facts in support of this request:

- 33 1. The parties have reached a settlement in this action.
- 34 2. The terms of the settlement involve performance over time.

STIP & ORDER TO DISMISS  
AND RETAIN JURISDICTION  
CASE NO. 5:20-CV-6648-NC

1           3.       The settlement includes a stipulation for entry of judgment that permits Super  
2 Micro to seek entry of a stipulated judgment if there is a default of certain terms under the  
3 settlement agreement.

4           4.       The parties have agreed to jointly request that the Court dismiss the case pursuant  
5 to Federal Rule of Civil Procedure 41(a) and retain jurisdiction over the terms of the settlement  
6 agreement and enforcement of the stipulation for entry of judgment until all conditions of the  
7 settlement agreement have been performed.

8                   **IT IS SO STIPULATED.**

9           Dated: April 28, 2021

10          BIALSON, BERGEN & SCHWAB

TURNING POINT LAW

11  
12          By: /s/ Thomas A. Burg \_\_\_\_\_  
13          Thomas A. Burg<sup>1</sup>  
14          Attorneys for Plaintiff  
15          SUPER MICRO COMPUTER, INC.

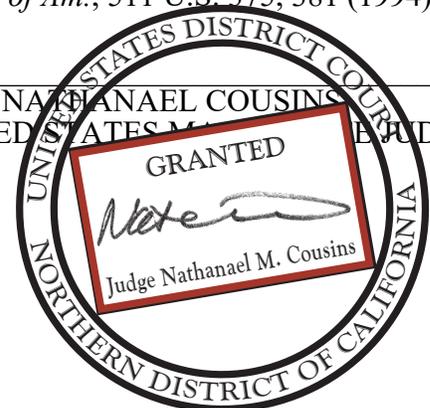
By: /s/Austin G. Bosarge \_\_\_\_\_  
Austin G. Bosarge  
Attorney for Defendant  
PCPC DIRECT, LTD.

16                   **PURSUANT TO STIPULATION IT IS SO HEREBY ORDERED AS FOLLOWS:**

17           IT IS HEREBY ORDERED THAT this action and all claims asserted herein are  
18 DISMISSED with prejudice. The Clerk of the Court is directed to administratively close this  
19 case. Any party may move to reopen the case, provided that such motion is filed by October 2,  
20 2023. All scheduled dates are VACATED. The Court retains jurisdiction over this case until  
21 October 15, 2023. *See Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 381 (1994).

22          Dated: April 28, 2021

By: \_\_\_\_\_  
HON. NATHANAEL COUSINS  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA



23  
24  
25  
26  
27  
28                   \_\_\_\_\_  
<sup>1</sup> Pursuant to Local Rule 5-1(i)(3), I, Thomas A. Burg, the filer of this document, attest that all other signatories listed, and on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.