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BY _____



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

QUALCOMM INCORPORATED, a
Delaware corporation,

Plaintiff,

v.

XATA CORPORATION, a Minnesota
corporation,

Defendants.

CASE NO. 10CV1337 WQH (BLM)

~~PROPOSED~~ JUDGMENT

Courtroom: 4
Judge: Hon. William Q. Hayes
Courtroom: 5140
Magistrate Judge: Hon. Barbara Lynn Major
Complaint Filed: June 24, 2010
Trial Date: Not set

Qualcomm, Incorporated ("Qualcomm") filed a complaint for declaratory relief against XATA Corporation ("XATA") in the United States District Court for the Southern District of California on June 24, 2010. Qualcomm sought a declaration from this Court that it may lawfully employ former XATA employee Thomas Flies at its headquarters in California.

XATA has filed a motion to dismiss and in the alternative, to transfer and does not by this Stipulation consent to general or special jurisdiction. However, the parties have agreed that the protections set forth in the Stipulated Injunction and Order for Judgment and Judgment entered against Thomas Flies in Case No. 10-cv-2968 ADM-SRN in the United States District Court for the District of Minnesota which is attached hereto and incorporated by this reference ("Injunction") adequately protect XATA's trade secrets and confidential information, and that Qualcomm may therefore legally employ Thomas Flies so long as Qualcomm and Thomas Flies comply with the Injunction.

1 The parties having stipulated to the relief set forth below, and the Court being otherwise
2 duly advised;

3 **IT IS ORDERED AND DECREED:**

4 Judgment is hereby entered that Qualcomm may employ Thomas Flies pursuant to the
5 terms of the Injunction. Each party will bear its own costs and attorney's fees.

6 LET JUDGMENT BE ENTERED ACCORDINGLY.

7 Dated: 8/26/10


8 Judge of the U.S. District Court

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10 Approved as to form:

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12 Dated: August 24, 2010

13 PAUL, PLEVIN, SULLIVAN &
14 CONNAUGHTON LLP

15 By: 

16 E. JOSEPH CONNAUGHTON
17 MONICA L. COUGHLIN
Attorneys for Plaintiff
QUALCOMM, INC.
Email: econnaughton@paulplevin.com

18 Dated: August 17, 2010

DORSEY & WHITNEY

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20 By: 

21 GABRIELLE M. WIRTH
22 Attorney for Defendant
23 XATA CORPORATION
24 Email: wirth.gabrielle@dorsey.com
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