

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Judge Philip A. Brimmer**

Civil Action No. 09-cv-01257-PAB-MEH

BIAx CORPORATION,

Plaintiff,

v.

NVIDIA CORPORATION,  
SONY COMPUTER ENTERTAINMENT AMERICA, INC.,  
SONY COMPUTER ENTERTAINMENT, INC.,  
SONY ELECTRONICS, INC.,  
SONY CORPORATION OF AMERICA, and  
SONY CORPORATION,

Defendants.

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**ORDER**

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This matter comes before the Court on the parties' Stipulated Motion Regarding Dismissal of Certain Sony Defendants and Discovery [Docket No. 56]. In their motion, the parties request dismissal of Sony Corporation, Sony Computer Entertainment Inc., and Sony Corporation of America from this action. The motion also contains stipulations between the remaining parties concerning discovery obligations in this litigation. Because the motion states good cause to dismiss plaintiff's claims against the aforementioned parties, it is

**ORDERED** that the parties' stipulated motion [Docket No. 56; public entry at Docket No. 60] is GRANTED in part. It is further

**ORDERED** that, pursuant to Fed. R. Civ. P. 41(a), plaintiff BIAx Corporation's claims against defendants Sony Corporation, Sony Computer Entertainment Inc., and

Sony Corporation of America are dismissed without prejudice. It is further

**ORDERED** that, pursuant to agreement of the parties, Sony Corporation, Sony Computer Entertainment Inc., and Sony Corporation of America shall be jointly and severally liable for the payment of any judgment that the Court may enter in this case in favor of plaintiff BIAX Corporation and against defendants Sony Computer Entertainment America Inc. and Sony Electronics Inc. It is further

**ORDERED** that the future filings in this action shall omit Sony Corporation, Sony Computer Entertainment Inc., and Sony Corporation of America from the case caption.

DATED September 9, 2009.

BY THE COURT:

s/Philip A. Brimmer  
PHILIP A. BRIMMER  
United States District Judge