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1	relating to U.S. Patent No. 5,434,797 that the parties raised or could have raised in this action			
2	are dismissed WITH PREJUDICE.			
3 4	Dated: <u>April 3, 2017</u>			
567	/s/ Mark Borghese/s/ Michael G. StrappMark Borghese, Esq.Michael G. Strapp, Esq.BORGHESE LEGAL, LTD.DLA PIPER LLP10161 Park Run Drive, Suite 15033 Arch StreetLas Vegas, Nevada 89145Boston, MA 02110			
8 9 10 11 12	Reza Mirzaie, Esq. Paul S. Kroeger, Esq. Stanley H. Thompson, Jr., Esq. C. Jay Chung, Esq. RUSS, AUGUST & KABAT 12424 Wilshire Blvd., 12th Floor Los Angeles, California 90025 Attorneys for Plaintiff Lawrence J. Semenza, III, Esq. Christopher D. Kircher, Esq. Jarrod L. Rickard, Esq. SEMENZA KIRCHER RICKARD 10161 Park Run Drive, Suite 150 Las Vegas, Nevada 89145 Attorneys for Defendant			
13	<u>ORDER</u>			
14	IT IS SO ORDERED.			
15	UNITED STATES DISTRICT JUDGE			
16 17				
18	DATED: April 5, 2017.			
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CERTIFICATE OF SERVICE 1 2 I am a resident of Clark County, Nevada and am over the age of 18 years and not a party 3 to the action. My business address is: 10161 Park Run Drive, Suite 150, Las Vegas, Nevada, 4 89145. 5 On April 3, 2017, I served this document on the parties listed on the attached service list via one or more of the methods of service described below as indicated next to the name of the 6 7 served individual or entity by a checked box: 8 PERSONAL SERVICE: by personally hand-delivering or causing to be hand 9 delivered by such designated individual whose particular duties include delivery of such on behalf of the firm, addressed to the individual(s) listed, signed by such individual or his/her representative accepting on his/her behalf. A receipt of copy signed and dated by 10 such an individual confirming delivery of the document will be maintained with the document and is attached. 11 12 **EMAIL:** By transmitting a copy of the document to the electronic-mail address designated by the attorney or the party who has consented to such manner of service. 13 **E-FILE:** Automatically through the court's electronic filing system. 14 **FAX SERVICE:** by transmitting to a facsimile machine maintained by the attorney or 15 the party who has consented to such manner of service. 16 MAIL SERVICE: by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada. I am readily familiar with the firm's practice of collection and processing correspondence by 17 mailing. Under that practice, it would be deposited with the U.S. Postal Service on that 18 same day with postage fully prepaid at Las Vegas, Nevada in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if 19 postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit. 20 21 I declare that under penalty of perjury under the laws of the State of Nevada that the 22 above is true and correct. I further declare that I am employed in the office of a member of the 23 bar of this court at whose direction the service was made. 24 25 /s/ Mark Borghese An employee of BORGHESE LEGAL, LTD. 26 27 28

SERVICE LIST

ATTORNEYS	PARTIES	METHOD OF
OF RECORD	REPRESENTED	SERVICE
Lawrence J. Semenza, III, Esq. Christopher D. Kircher, Esq. Jarrod L. Rickard, Esq. SEMENZA KIRCHER RICKARD 10161 Park Run Drive, Suite 150 Las Vegas, Nevada 89145 Michael G. Strapp, Esq. DLA PIPER LLP 33 Arch Street Boston, MA 02110	Attorneys for Defendant	☐ Personal service ☐ Email ☐ E-File ☐ Fax service ☐ Mail service

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