

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

**Albany College of Pharmacy and
Health Sciences,**

Plaintiff,

v.

**Acer, Inc., Gateway, Inc., Galaxy
Acquisition, Corp. and Acer American
Corporation,**

Defendants.

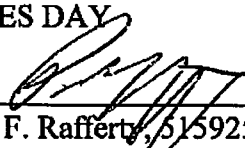
No. 1:09-CV-0089 FJS/RFT

STIPULATION FOR DISMISSAL

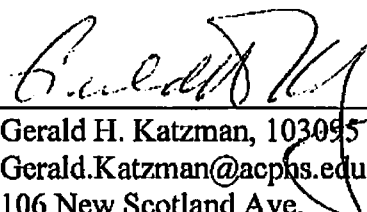
Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, Plaintiff Albany College of Pharmacy and Health Sciences and Defendants Acer, Inc., Gateway, Inc., Galaxy Acquisition, Corp. and Acer America Corporation, by and through undersigned counsel, hereby stipulate to the dismissal of the above-captioned action in its entirety, including all claims therein, with prejudice and with each party to bear its own fees and costs.

Dated: February 21, 2010

JONES DAY

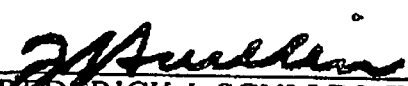

Paul F. Rafferty, 515925
pfrafferty@jonesday.com
(Admitted pro hac vice)
3161 Michelson Drive, Suite 800
Irvine, CA 92612
Telephone: (949) 851-3939
Facsimile: (949) 553-7539

*Attorneys for Defendants
Acer, Inc., Gateway, Inc., and Acer
America Corporation*


Gerald H. Katzman, 103095
Gerald.Katzman@acphs.edu
106 New Scotland Ave.
Albany, New York 12208-3492
Telephone: (518) 694-7298
Facsimile: (518) 694-7341

*Attorneys for Plaintiff
Albany College of Pharmacy and Health
Sciences*

SO ORDERED


FREDERICK J. SCULLIN, JR.
SENIOR U.S. DISTRICT JUDGE

3/12/10