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THE HONORABLE JAMES L. ROBERT

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CYWEE GROUP LTD.,

Plaintiff,

v.

HTC CORPORATION, and HTC AMERICA,  
INC.,

Defendants.

CASE NO.: 2:17-cv-00932-JLR

**STIPULATED MOTION AND  
~~PROPOSED~~ ORDER FOR  
DISMISSAL OF ALL CLAIMS  
AGAINST STMICROELECTRONICS  
N.V., STMICROELECTRONICS,  
INC., AND STMICROELECTRONICS  
ASIA PACIFIC PTE. LTD. WITH  
PREJUDICE**

HTC CORPORATION, and HTC AMERICA,  
INC.,

Third-Party Plaintiffs,

v.

STMICROELECTRONICS N.V.,  
STMICROELECTRONICS, INC., and CYWEE  
MOTION GROUP LTD.,

Third-Party Defendants.

**NOTE ON MOTION CALENDAR:  
May 31, 2018**

**STIPULATED MOTION AND ~~PROPOSED~~  
ORDER OF DISMISSAL WITH PREJUDICE  
CASE No. 2:17-cv-00932-JLR**

**WILSON SONSINI GOODRICH & ROSATI**  
701 Fifth Avenue, Suite 5100  
Seattle, WA 98104-7036  
Tel: (206) 883-2500  
Fax: (206) 883-2699

1 HTC Corporation and HTC America, Inc. (collectively, "HTC") and STMicroelectronics,  
2 Inc. ("ST Inc.") hereby stipulate:

3 WHEREAS, on January 11, 2018, HTC filed a Third-Party Complaint (Dkt. # 43) against  
4 STMicroelectronics N.V. ("ST N.V.") and ST Inc. for (1) Indemnity, (2) Breach of Warranty,  
5 and (3) Contribution;

6 WHEREAS, on March 26, 2018, ST Inc. filed a Motion to Dismiss Pursuant to Rule  
7 12(b)(6) (Dkt. # 64);

8 WHEREAS, on April 23, 2018, in light of HTC's Statement of Non-Opposition (Dkt. #  
9 77), this Court granted ST Inc.'s Motion to Dismiss Pursuant to 12(b)(6) and dismissed all  
10 claims against ST Inc. with prejudice (Dkt. # 79);

11 WHEREAS, on May 15, 2018, HTC filed its pending Motion for Leave to File First  
12 Amended Third-Party Complaint (Dkt. # 87), whereby the proposed First Amended Third-Party  
13 Complaint (Dkt. # 88-1) replaces ST Inc. with STMicroelectronics Asia Pacific Ltd. ("ST Asia")  
14 (collectively, with ST Inc. and ST N.V., "ST Entities");

15 WHEREAS, on May 23, 2018, ST Inc. filed its pending Motion for Sanctions Pursuant to  
16 RCW 4.84.185 (Dkt. #90); and

17 WHEREAS, HTC and the ST Entities have resolved their differences regarding this  
18 litigation;

19 NOW THEREFORE, HTC and ST Inc. stipulate and agree, subject to the Court's  
20 approval, as follows:

21 1. All claims against ST N.V., ST Inc., and ST Asia asserted by HTC in the Third-  
22 Party Complaint (Dkt. # 43) and proposed First Amended Third-Party Complaint (Dkt. #88-1)  
23 are dismissed with prejudice, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) and (c).

24 2. HTC's Motion for Leave to File First Amended Third-Party Complaint (Dkt. #  
25 87) is withdrawn.

26 3. ST Inc.'s Motion for Sanctions Pursuant to RCW 4.84.185 (Dkt. #90) is  
27 withdrawn.

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4. Each party shall bear its own fees and costs.

Respectfully submitted,

Dated: May 31, 2018

WILSON SONSINI GOODRICH & ROSATI

By: s/ Gregory L. Watts

Gregory L. Watts, WSBA # 43995

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Dated: May 31, 2018

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s/ Matt Berkowitz  
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*Attorney for Third-Party Defendant  
STMicroelectronics, Inc.*

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 31, 2018, I filed the foregoing with the Clerk of the Court using the CM/ECF system, and served all parties via ECF.

Dated: May 31, 2018

*s/Gregory L. Watts*  
\_\_\_\_\_  
Gregory L. Watts

~~PROPOSED~~ ORDER

The Court, having considered the Stipulated Motion for Dismissal with Prejudice submitted by HTC Corporation and HTC America, Inc. (collectively, "HTC") and STMicroelectronics, Inc. ("ST Inc."), hereby ORDERS that the parties' Stipulated Motion for Dismissal is GRANTED as follows:

1. All claims against STMicroelectronics N.V., ST Inc., and STMicroelectronics Asia Pacific Pte. Ltd. asserted by HTC in the Third-Party Complaint (Dkt. # 43) and proposed First Amended Third-Party Complaint (Dkt. # 88-1) are DISMISSED WITH PREJUDICE.


2. HTC's Motion for Leave to File First Amended Third-Party Complaint (Dkt. # 87) is WITHDRAWN.

3. ST Inc.'s Motion for Sanctions Pursuant to RCW 4.84.185 (Dkt. # 90) is WITHDRAWN.

4. Each party shall bear its own fees and costs.

**IT IS SO ORDERED.**

Dated this 1st day of June, 2018.

  
HONORABLE JAMES L. ROBERT  
UNITED STATES DISTRICT JUDGE

Presented by:  
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