1				
2	D. PETER HARVEY (SBN 55712) IAN K. BOYD (SBN 191434)			
3	Three Embarcadero Center, Tenth Floor San Francisco, CA 94111			
4	Telephone: (415) 391-7112			
5	Facsimile: (415) 391-7124			
6	SHAW PITTMAN LLP LAWRENCE J. GOTTS (pro hac vice)			
7	MARK KOEHN (pro hac vice) JAMES M. ROSS (pro hac vice) 1650 Tysons Boulevard			
8				
9	McLean, Virginia 22102-4859 Telephone: 703.770.7900			
10	Facsimile: 703.770.7901			
11	Attorneys for Plaintiff,			
12	CDDB, Inc. dba Gracenote			
13	UNITED STATES DISTRICT COURT			
14	NORTHERN DISTRICT OF CALIFORNIA			
15	SAN JOSE DIVISION			
16				
17	CDDB, INC. dba GRACENOTE,	No. C-01 20428 JW		
18	Plaintiff,			
19	VS.	STIPULATION AND [PROPOSED]		
20	ADAPTEC, INC., and ROXIO, INC.,	ORDER RE DISMISSAL OF ADAPTEC, INC.		
21	Defendants.			
22				
23	AND RELATED COUNTERCLAIMS.			
24				
25	WHEREAS plaintiff CDDR Inc. d/b/a	Gracenote ("Gracenote") filed this action against		
26	WHEREAS, plaintiff CDDB, Inc. d/b/a Gracenote ("Gracenote") filed this action against			
27	derendants Adaptec, Inc. ("Adaptec") and Ro	exio, Inc. ("Roxio") alleging claims of patent		
28	STIPULATION AND [PROPOSED] ORDER RE DISMISSAL O	1– F ADAPTEC INC. AND GRACENOTE		
	C.01 20428 IW			

C-01 20428 JW

1	infringement, violations of the Digital Millennium Copyright Act, federal service mark infringement,	
2	federal unfair competition, common law service mark infringement, breach of contract, declaratory	
3	judgment, and correction of inventorship of patent;	
4	WHEREAS, Adaptec and Roxio answered the Complaint;	
5	WHEREAS, the Gracenote has agreed to dismiss all claims against Adaptec; ;	
6	NOW THEREFORE, pursuant to Local Rule 7-11, Adaptec and Gracenote, through their	
7 8	respective counsel of record and without admitting to any liability under the claims in this	
9		
10	case, hereby stipulate as follows:	
11	1. All claims against Adaptec are dismissed with prejudice; and	
12	2. Each party shall bear its own costs, expenses, and attorneys' fees.	
13	Dated: December 31, 2001. SHAW PITTMAN LLP MARK KOEHN LAWRENCE J. GOTTS	
14	HARVEY SISKIND JACOBS LLP	
<ul><li>15</li><li>16</li></ul>	D. PETER HARVEY IAN K. BOYD	
17	By:/s/ Lawrence J. Gotts	
18	Lawrence J. Gotts Attorneys for Plaintiff CDDB, Inc. dba Gracenote	
19	Dated: December 31, 2001. O'MELVENY & MEYERS LLP	
20	DAVID P. ENZMINGER RYAN YAGURA	
21		
22	By: /s/ David P. Enzminger	
23	David P. Enzminger Attorneys for Defendant Adaptec, Inc.	
24	PURSUANT TO STIPULATION, IT IS SO ORDERED.	
25		
26	Date: Judge James Ware	
27	United States District Court	
28	TIPULATION AND [PROPOSED] ORDER RE DISMISSAL OF ADAPTEC, INC. AND GRACENOTE  C-01 20428 JW	

1, David P. Enzminger, hereby attest:  1. Concurrence in the filing of the following document has been obtain each of the other signatories, which shall serve in lieu of their signatures on the document:  STIPULATION AND [PROPOSED] ORDER RE DISMISSAL OF ADAPTER INC.  2. I shall maintain records to support this concurrence for subsequent for the Court if so ordered or for inspection upon request by a party until one year resolution of the action pursuant to General Order 45 of the United States District the Northern District of California.  I declare under penalty of perjury under the laws of the State of California United States of America that the foregoing is true and correct.  Executed in Los Angeles, California on December 31, 2001.  S. David P. Enzminger  David P. Enzminger  David P. Enzminger  3. S. David P. Enzminger  4. S. David P. Enzminger	TION OF CONSENT	1
each of the other signatories, which shall serve in lieu of their signatures on the document:  STIPULATION AND [PROPOSED] ORDER RE DISMISSAL OF ADAPTE INC.  2. I shall maintain records to support this concurrence for subsequent for the Court if so ordered or for inspection upon request by a party until one year resolution of the action pursuant to General Order 45 of the United States District the Northern District of California.  I declare under penalty of perjury under the laws of the State of California United States of America that the foregoing is true and correct.  Executed in Los Angeles, California on December 31, 2001.  Sy David P. Enzminger		2
STIPULATION AND [PROPOSED] ORDER RE DISMISSAL OF ADAPTE INC.  2. I shall maintain records to support this concurrence for subsequent for the Court if so ordered or for inspection upon request by a party until one year resolution of the action pursuant to General Order 45 of the United States District the Northern District of California.  I declare under penalty of perjury under the laws of the State of California United States of America that the foregoing is true and correct.  Executed in Los Angeles, California on December 31, 2001.  Separately P. Enzminger  David P. Enzminger	f the following document has been obtained from	3
2. I shall maintain records to support this concurrence for subsequent for the Court if so ordered or for inspection upon request by a party until one year resolution of the action pursuant to General Order 45 of the United States District the Northern District of California.  I declare under penalty of perjury under the laws of the State of California United States of America that the foregoing is true and correct.  Executed in Los Angeles, California on December 31, 2001.  Sylvavid P. Enzminger  David P. Enzminger	lieu of their signatures on the document:	4
2. I shall maintain records to support this concurrence for subsequent for the Court if so ordered or for inspection upon request by a party until one year resolution of the action pursuant to General Order 45 of the United States District the Northern District of California.  I declare under penalty of perjury under the laws of the State of California United States of America that the foregoing is true and correct.  Executed in Los Angeles, California on December 31, 2001.  S/David P. Enzminger  David P. Enzminger  David P. Enzminger  David P. Enzminger  16  27  28  28  29  20  21  22  23  24  25  26  27  28  28  38  39  3-3-	] ORDER RE DISMISSAL OF ADAPTEC,	5
for the Court if so ordered or for inspection upon request by a party until one year resolution of the action pursuant to General Order 45 of the United States District the Northern District of California.  I declare under penalty of perjury under the laws of the State of California United States of America that the foregoing is true and correct.  Executed in Los Angeles, California on December 31, 2001.  Solved P. Enzminger  David P. Enzminger		6
resolution of the action pursuant to General Order 45 of the United States District the Northern District of California.  I declare under penalty of perjury under the laws of the State of California United States of America that the foregoing is true and correct.  Executed in Los Angeles, California on December 31, 2001.  Solvid P. Enzminger  David P. Enzminger	• •	7
the Northern District of California.  I declare under penalty of perjury under the laws of the State of California United States of America that the foregoing is true and correct.  Executed in Los Angeles, California on December 31, 2001.  Solvid P. Enzminger  David P. Enzminger		8
I declare under penalty of perjury under the laws of the State of California United States of America that the foregoing is true and correct.  Executed in Los Angeles, California on December 31, 2001.    S David P. Enzminger	al Order 45 of the United States District Court for	9
United States of America that the foregoing is true and correct.  Executed in Los Angeles, California on December 31, 2001.  Synthetic David P. Enzminger David P. Enzminger David P. Enzminger  David P. Enzminger  David P. Enzminger  David P. Enzminger  David P. Enzminger  David P. Enzminger		10
Executed in Los Angeles, California on December 31, 2001.    S   David P. Enzminger	under the laws of the State of California and the	11
S David P. Enzminger David P. Enzminger  David P. Enzminger  18 19 20 21 22 23 24 25 26 27	e and correct.	12
15	December 31, 2001.	13
David P. Enzminger		14
17 18 19 20 21 22 23 24 25 26 27		15
18 19 20 21 22 23 24 25 26 27		16
19 20 21 22 23 24 25 26 27		17
20 21 22 23 24 25 26 27		18
21 22 23 24 25 26 27		19
22 23 24 25 26 27		20
23 24 25 26 27		21
24 25 26 27 28		22
25 26 27 28		23
26 27 28		24
27		25
-3-		26
		27
STIPULATION AND [PROPOSED] ORDER RE DISMISSAL OF ADAPTEC, INC. AND GRACENOTE		28

C-01 20428 JW