

THE HONORABLE ROBERT S. LASNIK

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13 UNITED STATES DISTRICT COURT
14 WESTERN DISTRICT OF WASHINGTON
15 AT SEATTLE
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18 NINTENDO OF AMERICA INC., a
19 Washington corporation,
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21 Plaintiff and
22 Counter-Defendant

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24 v.

25
26 NYKO TECHNOLOGIES, INC., a
27 corporation,
28
29 Defendant and
30 Counter-Claimant
31

No. CV 08-0907 RSL

STIPULATION FOR DISMISSAL OF
ACTION

NOTED FOR HEARING:
December 17, 2008

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34 TO: The Clerk of the Court

35 Plaintiff and counter-defendant Nintendo of America Inc. and Defendant and counter-
36 claimant Nyko Technologies, Inc., being the only parties who have appeared in this action,
37 stipulate and agree, pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii), that the above-
38 entitled action, including all claims and counter-claims, may be dismissed with prejudice and
39 without costs to either party.
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45 The Clerk of the Court is hereby requested to enter this dismissal in the records of the
46 Court.
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STIPULATION OF DISMISSAL
(NO. CV 08-0907 RSL) – 1

LEGAL14793558.1

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Phone: 206.359.8000
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1 DATED this 17th day of December, 2008.
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4 Presented by:

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41 Counsel for Defendant
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STIPULATION OF DISMISSAL
(NO. CV 08-0907 RSL) – 2

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CERTIFICATE OF SERVICE

I certify that on December 17, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following attorneys of record for defendant:

Regina V. Culbert - Rculbert@merchantgould.com

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John D. Carpenter: john.carpenter@cph.com

G. Warren Bleeker: warren.bleeker@cph.com

I certify under penalty of perjury that the foregoing is true and correct.

DATED: December 17, 2008.

s/ Sherri Wyatt _____

Sherri Wyatt

Legal Secretary