UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

ATMEL CORPORATION, a Delaware corporation; ATMEL SWITZERLAND, a corporation; ATMEL FRANCE, a corporation; and ATMEL SARL, a corporation, Plaintiffs, v. AUTHENTEC, INC., a Delaware corporation, Defendant.	Case No. C 06-02138 CW **STIPULATION AND [PROPOSED] ORDER FILING AUTHENTEC'S FIRST AMENDED ANSWER AND COUNTERCLAIM** Judge: Hon. Claudia Wilken
AUTHENTEC, INC., a Delaware corporation, Plaintiff, v. ATMEL CORPORATION, a Delaware corporation; ATMEL SWITZERLAND, a corporation; ATMEL FRANCE, a corporation; and ATMEL SARL, a corporation, Defendants.	Case No. C 07-03331 CW **STIPULATION AND [PROPOSED] ORDER WITHDRAWING ATMEL'S MOTION TO DISMISS** Judge: Hon. Claudia Wilken

Pursuant to Civil Local Rule 7-12 and 7-7(e), Plaintiffs-Defendants Atmel Corporation, Atmel Switzerland, Atmel France, and Atmel SARL (collectively, "Atmel") and Defendant-Plaintiff AuthenTec, Inc. ("AuthenTec") hereby state that they have resolved the issues related to Atmel's pending Motion to Dismiss in Case No. 07-3331 [Dkt. Nos. 6 & 7] by agreeing that (i) AuthenTec will not pursue its state tort claims, and (ii) Atmel will permit AuthenTec to amend its Answer and Counterclaim in Case No. 06-2138 to assert the same unenforceability defenses and counterclaim as asserted in AuthenTec's Reply in Case No. 07-3331 [Dkt. No. 10].

In view of the foregoing, the parties hereby agree and stipulate as follows:

1. AuthenTec will not pursue any relief on the basis of its state tort claims (Counts 6-7) raised in Case No. 07-3331 and the state tort claims (Counts 6-7) shall be dismissed with prejudice.

2. Atmel's Motion to Dismiss AuthenTec's Claims (Counts 5-7) Pursuant to Rule 12(b)(6) in Case No. 07-3331 [Dkt. Nos. 6 & 7] is hereby withdrawn and the hearing noticed for August 16, 2007 shall be taken off-calendar pursuant to Civil L.R. 7-7(e).

3. Atmel may file its Amended Answer to the First Amended Complaint in Case No. 07-3331 within 20 days of this Order.

4. Attached as Exhibit 1 is AuthenTec's First Amended Answer and First Amended Counterclaim, which shall be filed in Case No. 06-2138. Atmel may file its Reply within 20 days after being served.

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STIPULATED AND AGREED.

DATED: August 2, 2007

By: */s Olivia M. Kim*

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DATED: August 2, 2007

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ATTESTATION AS TO CONCURRENCE

I, Olivia M. Kim, under penalty of perjury of the laws of the United States of America, attest that concurrence in the filing of this document has been obtained from each of the other signatories to this document.

/s Olivia M. Kim
Olivia M. Kim

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____, 2007

HON. CLAUDIA WILKEN
JUDGE, UNITED STATES DISTRICT COURT