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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

THE TONYTAIL COMPANY, INC.,

Plaintiff,

v.

CONAIR, CORP., SCUNCI INT'L, LTD., RITE AID, CORP., L&N SALES & MARKETING, INC., and DOES, 1 – 10, inclusive,

Defendants.

Case No. 3:07-cv-05895-WHA

~~[PROPOSED]~~ ORDER DISMISSING CLAIMS 1, 2 AND 3 OF U.S. PATENT No. 6,263,884

THIS MATTER having been brought before the Court by Plaintiff, Tonytail Company, Inc., and Defendants Conair Corp., Scunci and Rite Aid Corp., pursuant to the stipulation executed by the parties and submitted to the Court, and for other good cause shown,

IT IS HEREBY ORDERED that all of Plaintiff's causes of action with respect to claims 1, 2 and 3 of U.S. Patent No. 6,263,884, are hereby dismissed with prejudice; IT IS FURTHER

ORDERED that Defendants' counterclaims requesting a declaratory judgment of invalidity and non-infringement with respect to claims 1, 2, and 3 of U.S. Patent No. 6,263,884 are likewise dismissed with prejudice; IT IS FURTHER

ORDERED that neither party will assert a cause of action against the other (or any related entity, affiliate, assignee, or successor) based in whole or part on the infringement, non-infringement, or invalidity of claims 1, 2, and 3 of U.S. Patent No. 6,263,884.

IT IS SO ORDERED.

DATED: May 20, 2008tonyt

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
IT IS SO ORDERED
Judge William Alsup

WILLIAM ALSUP
United States District Judge
Northern District of California
San Francisco Division