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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

BASCOM RESEARCH, LLC, a Virginia Limited Liability Company, Plaintiff, v. NOVELL, INC., a Delaware Corporation, Defendant.	Case No.: 3:12-cv-06295-SI Hon. Susan Illston, U.S. District Judge Courtroom No. 10 **AMENDED STIPULATED MOTION FOR DISMISSAL WITH PREJUDICE AND [PROPOSED] AMENDED ORDER** Complaint Filed: October 3, 2012 Trial Date: Not Yet Assigned

Plaintiff and counter-defendant Bascom Research, LLC ("Bascom") and defendant and counterclaimant Novell, Inc. ("Novell"), pursuant to Fed. R. Civ. P. 41(a)(2) and (c), hereby jointly move the above-entitled Court for an order dismissing all claims and counterclaims in the above-entitled action as between them, in their entirety and with prejudice, subject to the terms and conditions of that certain confidential agreement dated July 15, 2013 (the "Agreement"), with Bascom and Novell to each bear its own costs, expenses, and attorneys' fees. Further, Bascom and Novell consent and request that the Court retain jurisdiction to enforce the terms and conditions of the Agreement under the authority of *Kokkonen v. Guardian Life Insurance Co. of America*, 511 U.S. 375, 381–82 (1994).

DATED: July 19, 2013

Respectfully submitted,

/s/ *L. Rex Sears*

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DATED: July 19, 2013

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ATTESTATION

I attest that I have confirmation that counsel for Bascom Research, LLC concur in the filing of this document.

/s/ *L. Rex Sears*

L. Rex Sears

AMENDED ORDER

CAME ON THIS DAY for consideration the "Amended Stipulated Motion for Dismissal with Prejudice" ("Stipulated Motion") of all claims and counterclaims asserted between plaintiff and counter-defendant Bascom Research, LLC ("Bascom") and defendant and counterclaimant Novell, Inc. ("Novell") in the above-entitled action (the "Action"), and the Court being of the opinion that the Stipulated Motion should be GRANTED,

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED as follows:

1. All claims and counterclaims asserted in the Action between Bascom and Novell are hereby dismissed in their entirety with prejudice, in accordance with the terms and conditions of that certain confidential agreement dated July 15, 2013 ("Agreement") between Bascom and Novell;

2. All attorneys' fees, costs, and expenses are to be borne by the party that incurred them; and

3. By consent and agreement of the parties, this Court shall retain jurisdiction for purposes of resolving any subsequent disputes that may arise between the parties regarding the enforcement or interpretation of terms and conditions of the Agreement.

DATED: _____

_____
Hon. Susan Illston
United States District Judge