UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

SUMMIT DATA SYSTEMS, L.L.C., Plaintiff, v. ADAPTEC, INC., HIGHPOINT TECHNOLOGIES, INC., HITACHI DATA SYSTEMS CORPORATION, INFORTREND CORPORATION, and PROMISE TECHNOLOGY, INC., Defendants.	)	C.A. No. 1:10-CV-00748-RGA **JURY TRIAL DEMANDED**

STIPULATION AND ORDER OF DISMISSAL
AS TO HIGHPOINT TECHNOLOGIES, INC.

WHEREAS Summit Data Systems, L.L.C. ("Summit") has asserted U.S. Patent No. 6,965,956 (the "'956 patent") against HighPoint Technologies, Inc. ("HighPoint"), and HighPoint has asserted counterclaims against Summit; and

WHEREAS Summit and HighPoint wish to resolve all claims and counterclaims between them for the benefit of the parties and others (*e.g.*, predecessors, successors, assignees, distributors and customers);

IT IS HEREBY STIPULATED AND AGREED, subject to the approval of the Court, that all claims and counterclaims between Summit and HighPoint are dismissed with prejudice, each party waiving all rights of appeal and bearing its own costs and attorneys' fees.

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Attorneys for HighPoint Technologies, Inc.

Dated: December 19, 2011

IT IS SO ORDERED this ___ day of _____, 2011.

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Honorable Richard G. Andrews, U.S.D.J.