

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

XPOINT TECHNOLOGIES, INC.,)	
)	
Plaintiff,)	
)	C. A. No.: 09-628 (SLR)
v.)	
)	
MICROSOFT CORP., et al.)	
)	
Defendants.)	

STIPULATION AND ORDER OF DISMISSAL

Pursuant to Fed. R. Civ. P. 41(a)(1), the parties Plaintiff Xpoint Technologies, Inc. (“Xpoint”) and Defendant Alacritech, Inc. (“Alacritech”), by and through their undersigned counsel and subject to approval of the Court, hereby stipulate and agree that all claims in Xpoint’s Second Amended Complaint (D.I. 439) against Alacritech, and all counterclaims in Alacritech’s Answer (D.I. 487), are dismissed with prejudice. No prejudice to any party will result from this dismissal and the dismissal is not intended to affect Plaintiff’s claims in this case against any Defendant other than Alacritech. Each party shall bear its own costs and fees.

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SO ORDERED this ____ day of _____, 2010

UNITED STATES DISTRICT JUDGE