

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**AVID IDENTIFICATION SYSTEMS,  
INC.**

**v.**

**(1) PHILIPS SEMICONDUCTORS INC.,  
(2) PHILIPS SEMICONDUCTOR  
MANUFACTURING INC., (3) THE  
CRYSTAL IMPORT CORPORATION,  
and (4) DATAMARS SA**

**Civil Case No. 2:04-cv-183 (TJW)**

**JURY DEMANDED**

**JOINT STIPULATION OF VOLUNTARY DISMISSAL WITH PREJUDICE  
PURSUANT TO RULE 41(a)**

Plaintiff Avid Identification Systems, Inc. (“Avid”) and remaining Defendants Datamars SA and its subsidiary The Crystal Import Corporation (collectively, “Datamars”), by and through their counsel, hereby stipulate and agree to the following:

WHEREAS, Avid and Datamars have entered into a settlement agreement which resolves the differences with respect to all matters in dispute before this Court, with the exception of matters related to Avid’s infringement claim under U.S. Patent No. 5,235,326 (the “’326 Patent”),

The parties hereby agree that, pursuant to Federal Rule of Civil Procedure 41(a), all claims and counterclaims in this case shall be dismissed with prejudice, except as they relate to the ‘326 patent. In addition, Datamars hereby withdraws all of its pending motions, including its motions for JMOL, new trial, and attorneys’ fees. Each party will bear all its own attorneys’ fees and costs in this case.

Avid will also submit an unopposed motion to reconsider the Court's finding of inequitable conduct with respect to the '326 patent. The Court's resolution of this unopposed motion will dispose of all remaining issues pending before this Court.

Dated: November 20, 2008

Respectfully submitted,

FISH & RICHARDSON P.C., P.A.

By: /s/ Juanita R. Brooks

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Counsel for Plaintiff

AVID IDENTIFICATION SYSTEMS, INC.

Dated: November 20, 2008

Respectfully submitted,

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Counsel for Defendant

DATAMARS, SA

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM-ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by facsimile transmission and/or first class mail this 20<sup>th</sup> day of November, 2008.

/s/ Juanita R. Brooks

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**JURY DEMANDED**

**ORDER DISMISSING CLAIMS WITH PREJUDICE**

In light of the stipulation of dismissal between Plaintiff Avid Identification Systems, Inc. (“Avid”) and remaining Defendants Datamars SA and its subsidiary The Crystal Import Corporation (collectively, “Datamars”), the Court **HEREBY DISMISSES** all claims and counterclaims in this action with prejudice, except as they relate to the ‘326 patent. In addition, all of Datamars’ pending motions, including its motions for JMOL, new trial, and attorneys’ fees, are withdrawn. Each party will bear all its own attorneys’ fees and costs in this case.