

1 **CALDARELLI HEJMANOWSKI & PAGE LLP**

2 William J. Caldarelli (SBN #149573)
3 12340 El Camino Real, Suite 430
4 San Diego, CA 92130
5 Tel: (858) 720-8080
6 Fax: (858) 720-6680
7 wjc@chplawfirm.com

8 **FABIANO LAW FIRM, P.C.**

9 Michael D. Fabiano (SBN #167058)
10 12526 High Bluff Drive, Suite 300
11 San Diego, CA 92130
12 Telephone: (619) 742-9631
13 mdfabiano@fabianolawfirm.com

14 **OSBORNE LAW LLC**

15 John W. Osborne (*Pro Hac Vice* App. Pending)
16 33 Habitat Lane
17 Cortlandt Manor, NY 10567
18 Telephone: (914) 714-5936
19 josborne@osborneipl.com

20 **WATTS LAW OFFICES**

21 Ethan M. Watts (SBN #234441)
22 12340 El Camino Real, Suite 430
23 San Diego, CA 92130
24 Telephone: (858) 509-0808
25 Facsimile: (619) 878-5784
26 emw@ewattslaw.com

27 Attorneys for Plaintiff Ameranth, Inc.

KNOBBE, MARTENS, OLSON & BEAR, LLP

Frederick S. Berretta (SBN #144757)
Boris Zelkind (SBN #214014)
12790 El Camino Real
San Diego, CA 92130
Telephone: (858) 707-4000
Facsimile: (858) 707-4001
Fred.berretta@kmob.com
Phillip.bennett@kmob.com

Attorneys for Defendant EMN8, Inc.

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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

AMERANTH, INC.

Plaintiff,

v.

EMN8, INC.,

Defendant.

Case No. 12-cv-1659-JLS-NLS
[Consolidated with Case No.11-cv-
1810-JLS-NLS]

**JOINT MOTION OF PLAINTIFF
AMERANTH, INC. AND
DEFENDANT EMN8, INC. FOR
VOLUNTARY DISMISSAL OF
COMPLAINT AND
COUNTERCLAIMS WITH
PREJUDICE**

1 In light of a confidential Settlement and License Agreement entered into
2 between Plaintiff Ameranth, Inc. ("Ameranth"), and Defendant and
3 Counterclaimant EMN8, Inc. ("EMN8"), Ameranth and EMN8 now stipulate and
4 jointly move the Court pursuant to Rule 41(a)(1) and Rule 41(c) of the Federal
5 Rules of Civil Procedure to dismiss Ameranth's complaint in this matter against
6 EMN8 and EMN8's counterclaims in this matter against Ameranth with
7 prejudice, with each side bearing its own fees and costs incurred as to each other.

8 Respectfully submitted,

9 Dated: July 12, 2013

CALDARELLI HEJMANOWSKI & PAGE LLP

10 By: /s/ William J. Caldarelli

11 William J. Caldarelli

12 FABIANO LAW FIRM, P.C.

13 Michael D. Fabiano

14 OSBORNE LAW LLC

15 John W. Osborne

16 WATTS LAW OFFICES

17 Ethan M. Watts

18 **Attorneys for Plaintiff Ameranth, Inc.**

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20
21 Dated: July 12, 2013

KNOBBE, MARTENS, OLSON & BEAR, LLP

22 By: /s/ Boris Zelkind

23 Frederick S. Berretta

24 Boris Zelkind

25 **Attorneys for Defendant EMN8, Inc.**

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SIGNATURE CERTIFICATION

Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative Policies and Procedures Manual, I hereby certify that the content of this document is acceptable to Boris Zelkind, counsel for EMN8, Inc., and that I have obtained Mr. Zelkind’s authorization to affix his electronic signature to this document.

/s/ William J. Caldarelli
William J. Caldarelli