

THE HONORABLE JAMES L. ROBART

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CYWEE GROUP LTD.,

Plaintiff,

v.

HTC CORPORATION, and HTC AMERICA,
INC.,

Defendants.

CASE NO.: 2:17-cv-00932-JLR

**STIPULATED MOTION AND
[PROPOSED] ORDER FOR
DISMISSAL OF ALL CLAIMS
AGAINST STMICROELECTRONICS
N.V., STMICROELECTRONICS,
INC., AND STMICROELECTRONICS
ASIA PACIFIC PTE. LTD. WITH
PREJUDICE**

HTC CORPORATION, and HTC AMERICA,
INC.,

Third-Party Plaintiffs,

v.

STMICROELECTRONICS N.V.,
STMICROELECTRONICS, INC., and CYWEE
MOTION GROUP LTD.,

Third-Party Defendants.

**NOTE ON MOTION CALENDAR:
May 31, 2018**

1 HTC Corporation and HTC America, Inc. (collectively, “HTC”) and STMicroelectronics,
2 Inc. (“ST Inc.”) hereby stipulate:

3 WHEREAS, on January 11, 2018, HTC filed a Third-Party Complaint (Dkt. # 43) against
4 STMicroelectronics N.V. (“ST N.V.”) and ST Inc. for (1) Indemnity, (2) Breach of Warranty,
5 and (3) Contribution;

6 WHEREAS, on March 26, 2018, ST Inc. filed a Motion to Dismiss Pursuant to Rule
7 12(b)(6) (Dkt. # 64);

8 WHEREAS, on April 23, 2018, in light of HTC’s Statement of Non-Opposition (Dkt. #
9 77), this Court granted ST Inc.’s Motion to Dismiss Pursuant to 12(b)(6) and dismissed all
10 claims against ST Inc. with prejudice (Dkt. # 79);

11 WHEREAS, on May 15, 2018, HTC filed its pending Motion for Leave to File First
12 Amended Third-Party Complaint (Dkt. # 87), whereby the proposed First Amended Third-Party
13 Complaint (Dkt. # 88-1) replaces ST Inc. with STMicroelectronics Asia Pacific Ltd. (“ST Asia”)
14 (collectively, with ST Inc. and ST N.V., “ST Entities”);

15 WHEREAS, on May 23, 2018, ST Inc. filed its pending Motion for Sanctions Pursuant to
16 RCW 4.84.185 (Dkt. #90); and

17 WHEREAS, HTC and the ST Entities have resolved their differences regarding this
18 litigation;

19 NOW THEREFORE, HTC and ST Inc. stipulate and agree, subject to the Court’s
20 approval, as follows:

21 1. All claims against ST N.V., ST Inc., and ST Asia asserted by HTC in the Third-
22 Party Complaint (Dkt. # 43) and proposed First Amended Third-Party Complaint (Dkt. #88-1)
23 are dismissed with prejudice, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) and (c).

24 2. HTC’s Motion for Leave to File First Amended Third-Party Complaint (Dkt. #
25 87) is withdrawn.

26 3. ST Inc.’s Motion for Sanctions Pursuant to RCW 4.84.185 (Dkt. #90) is
27 withdrawn.

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s/ Matt Berkowitz
Matt Berkowitz, CA Bar No. 310426
(pro hac vice)
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*Attorney for Third-Party Defendant
STMicroelectronics, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on May 31, 2018, I filed the foregoing with the Clerk of the Court using the CM/ECF system, and served all parties via ECF.

Dated: May 31, 2018

s/Gregory L. Watts
Gregory L. Watts

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