

THE HONORABLE JAMES L. ROBERT

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**

STIPULATED MOTION AND ~~PROPOSED~~  
ORDER OF DISMISSAL WITH PREJUDICE

WILSON SONSINI GOODRICH & ROSATI  
701 Fifth Avenue, Suite 5100

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.

1 4. Each party shall bear its own fees and costs.

2  
3 Respectfully submitted,

4 Dated: May 31, 2018

WILSON SONSINI GOODRICH & ROSATI

5 By: s/ Gregory L. Watts

6 Gregory L. Watts, WSBA # 43995

7 **WILSON SONSINI GOODRICH & ROSATI**

Professional Corporation

701 Fifth Avenue, Suite 5100

Seattle, WA 98104-7036

Telephone: (206) 883-2500

Facsimile: (206) 883-2699

Email: gwatts@wsgr.com

10 James C. Yoon, CA Bar #177155 (*pro hac vice*)

11 Ryan R. Smith, CA Bar #229323(*pro hac vice*)

12 Albert Shih, CA Bar # 251726 (*pro hac vice*)

Jamie Y. Otto, CA Bar # 295099 (*pro hac vice*)

13 **WILSON SONSINI GOODRICH & ROSATI**

650 Page Mill Road

Palo Alto, CA 94304-1050

Telephone: (650) 493-9300

Facsimile: (650) 565-5100

Email: jyoona@wsgr.com, rsmith@wsgr.com

ashih@wsgr.com, jotto@wsgr.com

17 Ty W. Callahan, CA Bar # 312548 (*pro hac vice*)

18 **WILSON SONSINI GOODRICH & ROSATI**

633 West Fifth Street, Suite 1550

Los Angeles, CA 90071-2027

Telephone: (323) 210-2900

Facsimile: (866) 974-7329

Email: tcallahan@wsgr.com

21 *Attorneys for Defendants and Third-Party Plaintiffs*  
22 *HTC Corporation and HTC America, Inc.*

23 Dated: May 31, 2018

24 s/ Brian G. Bodine

Brian G. Bodine, WSBA #22414

25 **LANE POWELL PC**

1420 Fifth Avenue

Suite 4200

Seattle, WA 98101-2375

Telephone: (206) 223-7000

Facsimile: (206) 223-7107

Email: bodineb@lanepowell.com

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s/ Matt Berkowitz  
Matt Berkowitz, CA Bar No. 310426  
(pro hac vice)  
Shearman & Sterling LLP  
1460 El Camino Real  
2nd Floor  
Menlo Park, CA 94025  
Tel.: (650) 838-3737  
Fax: (650) 644-0318  
Email: matt.berkowitz@shearman.com

*Attorney for Third-Party Defendant  
STMicroelectronics, Inc.*

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**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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