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18 PROPERTIES, INC. (now known as Macy's  
19 Department Stores, Inc.) and FEDERATED  
20 DEPARTMENT STORES, INC.

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21 UNITED STATES DISTRICT COURT  
22 NORTHERN DISTRICT OF CALIFORNIA

23 FEDERATED WESTERN PROPERTIES,  
24 INC. and FEDERATED DEPARTMENT  
25 STORES, INC.,

26 Plaintiffs,  
27 vs.

28 NETBLUE, INC. AND OAK INVESTMENT  
PARTNERS,

Defendants.

No. C 05-0200 MEJ

Action Filed: January 12, 2005

**STIPULATION FOR  
VOLUNTARY DISMISSAL**

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Pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, Plaintiffs Federated Western Properties, Inc. (now known as Macy's Department Stores, Inc.) and Federated Department Stores, Inc., and Defendants Netblue, Inc. and Oak Investment Partners, Inc., by and through their respective counsel, hereby agree and stipulate to the dismissal with prejudice of this action, including all claims and counterclaims, pursuant to the parties' settlement agreement. Each party shall bear its own costs and attorneys' fees.

DATED: October 10, 2005.

HOWARD, RICE, NEMEROVSKI, CANADY,  
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By:   
SIMON J. FRANKEL (No. 171552)

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DATED: October 7, 2005.

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