

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK  
ALBANY DIVISION**

**RENSELAER POLYTECHNIC  
INSTITUTE AND DYNAMIC  
ADVANCES, LLC,**

**PLAINTIFF,**

**V.**

**APPLE INC.,**

**DEFENDANT.**

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

**CIVIL ACTION NO. 1:13-cv-633**

**STIPULATION AND ORDER OF DISMISSAL**

Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, Plaintiff DYNAMIC ADVANCES, LLC and Defendant APPLE INC., hereby stipulate to the dismissal of all claims pending in this action on the basis of a settlement between the parties on the following terms:

IT IS HEREBY STIPULATED AND AGREED that all claims for relief asserted against APPLE INC. by Plaintiff DYNAMIC ADVANCES, LLC herein shall be dismissed, with prejudice, and all counterclaims for relief against Plaintiff DYNAMIC ADVANCES, LLC by APPLE INC. shall be dismissed without prejudice; and

IT IS FURTHER STIPULATED AND AGREED that all attorneys’ fees, costs of court and expenses shall be borne by each party incurring the same and none of the parties shall be required to pay any costs, attorney fees or other expenses of another party that are associated with the matters settled by this Order of Dismissal.

Respectfully submitted

Dated: April 19, 2016

By: /s/ James R. Muldoon  
James R. Muldoon (506772)  
HARRIS BEACH PLLC  
333 W. Washington Street  
Suite 200  
Syracuse, New York 13202  
(315) 423-7100 (telephone)  
[jmuldoon@harrisbeach.com](mailto:jmuldoon@harrisbeach.com)

Steven P. Nonkes (517931)  
HARRIS BEACH PLLC  
99 Garnsey Road  
Pittsford, New York 14534  
(585) 419-8800 (telephone)  
snonkes@harrisbeach.com

Counsel for Plaintiff  
Dynamic Advances, LLC

Paul J. Skiermont (107001)  
Donald E. Tiller (107002)  
Alexander E. Gasser (603023)  
Shellie Stephens (107164)  
SKIERMONT DERBY LLP  
2200 Ross Avenue, Suite 4800W  
Dallas, Texas 75201  
(214) 978-6600 (telephone)  
[paul.skiermont@skiermontpuckett.com](mailto:paul.skiermont@skiermontpuckett.com)  
[don.tiller@dtillerlawpllc.com](mailto:don.tiller@dtillerlawpllc.com)  
[alex.gasser@skiermontpuckett.com](mailto:alex.gasser@skiermontpuckett.com)  
[shellie.stephens@skiermontpuckett.com](mailto:shellie.stephens@skiermontpuckett.com)

Mitchell J. Katz (301057)  
MENTER, RUDIN & TRIVELPIECE,  
P.C.  
308 Maltbie Street Suite 200  
Syracuse, New York 13204-1498  
(315) 474-7541 (telephone)  
[mkatz@menterlaw.com](mailto:mkatz@menterlaw.com)

Jeffrey A. Ware  
FENWICK & WEST LLP  
1191 Second Avenue, 10th Floor  
Seattle, WA 98101  
(206) 389-4510 (telephone)  
[jware@fenwick.com](mailto:jware@fenwick.com)  
Counsel for Defendant  
Apple Inc.

David M. Lacy Kusters  
Ryan J. Marton  
FENWICK & WEST LLP  
555 California Street, 12th Floor  
San Francisco, California 94104  
(415) 875-2300 (telephone)  
[dlacykusters@fenwick.com](mailto:dlacykusters@fenwick.com)  
[rmarton@fenwick.com](mailto:rmarton@fenwick.com)

By: /s/ J. David Hadden  
J. David Hadden  
Hector J. Ribera  
William A. Moseley, Jr.  
Carolyn Chang  
FENWICK & WEST LLP  
Silicon Valley Center  
801 California Street  
Mountain View, California 94041  
(650) 988-8500 (telephone)  
[hribera@fenwick.com](mailto:hribera@fenwick.com)  
[wmoseley@fenwick.com](mailto:wmoseley@fenwick.com)  
[dhadden@fenwick.com](mailto:dhadden@fenwick.com)  
[cchang@fenwick.com](mailto:cchang@fenwick.com)

Counsel for Defendant  
Apple Inc.

SO ORDERED:

Dated: April \_\_, 2016

---

HON. DAVID E. PEEBLES  
U.S. Magistrate Judge