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18 Interim Co-Lead Counsel for Plaintiffs

19 UNITED STATES DISTRICT COURT  
20 NORTHERN DISTRICT OF CALIFORNIA

21 MARK OPPERMAN, et al.,  
22  
23 Plaintiffs,  
24  
25 v.  
26  
27 PATH, INC., et al.,  
28  
29 Defendants.

Case No: 13-cv-00453-JST

**CLASS ACTION**

**NOTICE OF SETTLEMENT**

THIS DOCUMENT RELATES TO ALL CASES  
*Opperman v. Path, Inc.*, No. 13-cv-00453-JST  
*Hernandez v. Path, Inc.*, No. 12-cv-1515-JST  
*Pirozzi v. Apple, Inc.*, No. 12-cv-1529-JST  
*Espitia v. Hipster, Inc.*, No. 13-cv-0432-JST  
(collectively, the “Related Actions”)

Plaintiffs, on the one hand, and defendants Foodspotting, Inc., Foursquare Labs, Inc.,  
Gowalla, Inc., Instagram, LLC, Kik Interactive, Inc., Path, Inc., Twitter, Inc. and Yelp! Inc.  
(collectively, the “Remaining App Developer Defendants”), on the other hand, through their  
respective undersigned counsel, hereby notify the Court that they reached an agreement in  
principle.

1           The proposed settlement will be memorialized in a complete written settlement  
2 agreement and related documents, which the parties will endeavor to file with the Court as part  
3 of a motion for preliminary approval as soon as practicable, but no later than 120 days from  
4 today's date. The timing of same may be impacted by other proceedings in this action,  
5 including the decision of the Court on the pending contested class certification motion against  
6 defendant Apple, Inc. The parties proposed settlement is expressly subject to and conditioned  
7 upon the completion of the written agreement, and obtaining preliminary and final approval  
8 from this Court.

9           Plaintiffs' settlement with Path will include a release of related aiding and abetting  
10 claims against Apple. As a result, this settlement will moot Apple's pending Motion for  
11 Summary Judgment. ECF No. 694. Plaintiffs therefore ask the Court to vacate the current  
12 schedule for resolving that motion. *See* ECF No. 854.

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1 Dated: December 28, 2016

By /s/ David M. Given  
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*Counsel for Defendant Gowalla, Inc.*

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**ATTESTATION**

I, David M. Given, am the ECF user whose identification and password are being used to file the instant notice. Pursuant to Civil Local Rule 5-1(i)(3), I hereby attest that all counsel whose electronic signatures appear above provided their authority and concurrence to file this document

/s/ David M. Given

Attorneys for Plaintiff