IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS TYLER DIVISION

PERSONALWEB TECHNOLOGIES, LLC. AND LEVEL 3 COMMUNICATIONS, LLC,

Plaintiffs,

v.

RACKSPACE US, INC. AND RACKSPACE HOSTING, INC., ET AL.

Defendants.

Civil Action No. 6:12-cv-00659 (LED)

JURY TRIAL DEMANDED

<u>JOINT STIPULATION OF DISMISSAL WITH PREJUDICE AS TO DEFENDANTS</u> <u>RACKSPACE US, INC. AND RACKSPACE HOSTING, INC. ONLY</u>

Plaintiffs PersonalWeb Technologies LLC and Level 3 Communications, LLC and Defendants Rackspace US, Inc. and Rackspace Hosting, Inc. (collectively, the "Rackspace Defendants") have reached an amicable settlement of the disputes raised in this action.

In accordance therewith, Plaintiffs PersonalWeb Technologies LLC and Level 3

Communications, LLC have agreed to dismiss this action as to only the Rackspace Defendants with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii). This Joint Stipulation does not affect the ongoing action against Defendant GitHub (which is currently stayed).

NOW, THEREFORE, IT IS HEREBY STIPULATED, by and among Plaintiffs

PersonalWeb Technologies LLC and Level 3 Communications LLC and Defendants Rackspace

US, Inc. and Rackspace Hosting, Inc., that all claims in the above-captioned action against

Defendants Rackspace US, Inc. and Rackspace Hosting, Inc., only shall, in accordance with the



following Order of Dismissal, be dismissed with prejudice and that each party shall bear its own costs, expenses and attorneys' fees.

So Stipulated

DATED: October 16, 2014 . Respectfully submitted,

/s/ Lawrence M. Hadley

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in

compliance with Local Rule CV-5(a) on October 16, 2014. As such, this document was served

on all counsel who are deemed to have consented to electronic service. Local Rule CV-

5(a)(3)(A).

/s/ Lawrence M. Hadley

Lawrence M. Hadley

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PERSONALWEB TECHNOLOGIES, LLC. AND LEVEL 3 COMMUNICATIONS, LLC,

Plaintiffs,

v.

Civil Action No. 6:12-cv-00659 (LED)

RACKSPACE US, INC. AND RACKSPACE HOSTING, INC., ET AL.

Defendants.

JURY TRIAL DEMANDED

ORDER OF DISMISSAL WITH PREJUDICE AS TO DEFENDANTS RACKSPACE US, INC. AND RACKSPACE HOSTING, INC. ONLY

Pursuant to the Stipulation of Dismissal by and among Plaintiffs PersonalWeb Technologies LLC and Level 3 Communications LLC and Defendants Rackspace US, Inc. and Rackspace Hosting, Inc.;

IT IS HEREBY ORDERED THAT:

Pursuant to Federal Rule of Civil Procedure 41(a)(2), all claims in the above-captioned action against Rackspace US, Inc. and Rackspace Hosting, Inc. only are dismissed with prejudice. This Order does not affect the ongoing action against Defendant GitHub (which is currently stayed).

Each party shall bear its own costs, expenses, and attorneys' fees.

SO ORDERED.

