

Plaintiff,

v.

COMCAST CORPORATION, CHARTER COMMUNICATIONS, INC., CEQUEL COMMUNICATIONS, LLC dba SUDDENLINK COMMUNICATIONS, CABLE ONE, INC., ALMEGA CABLE INC., LONGVIEW CABLE TELEVISION COMPANY, INC., and KILGORE VIDEO, INC.,

Judge: Hon. David Folsom

Defendants.

UNOPPOSED MOTION TO DISMISS DEFENDANT COMCAST CORPORATION

Defendants Comcast Corporation, Comcast Cable Communications, LLC, and Comcast of Houston LLC (collectively “Comcast”) file this Unopposed Motion to Dismiss Comcast Corporation without prejudice pursuant to the Stipulation between Comcast and Plaintiff C-Cation Technologies, LLC (“C-Cation Tech”) attached hereto as **Exhibit A**. Plaintiff C-Cation Tech does not oppose the relief sought in this motion.

PRAYER FOR RELIEF

Pursuant to the attached Stipulation between Comcast and C-Cation Tech, and because Plaintiff does not oppose the relief sought herein, Comcast respectfully requests that the Court dismiss Comcast Corporation from this action without prejudice.

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Attorneys for Defendants
COMCAST CORPORATION,
COMCAST CABLE
COMMUNICATIONS, LLC and
COMCAST OF HOUSTON LLC

EXHIBIT A

v.

COMCAST CORPORATION, CHARTER COMMUNICATIONS, INC., CEQUEL COMMUNICATIONS, LLC dba SUDDENLINK COMMUNICATIONS, CABLE ONE, INC., ALMEGA CABLE INC., LONGVIEW CABLE TELEVISION COMPANY, INC., and KILGORE VIDEO, INC.,

Defendants.

Judge: Hon. David Folsom

STIPULATION DISMISSING COMCAST CORPORATION

WHEREAS, C-Cation Technologies, LLC (“C-Cation Tech”) filed this patent-infringement action against Comcast Corporation in the United States District Court for the Eastern District of Texas on January 25, 2011.

WHEREAS, C-Cation Tech filed a First Amended Complaint naming Comcast Cable Communications, LLC (“Comcast Cable”) and Comcast of Houston, LLC (“Comcast of Houston”) as additional defendants in this action on April 5, 2011.

WHEREAS, Comcast Corporation has represented that it does not own or operate any cable systems, or sell, market, offer for sale, or provide any cable products or services, within the state of Texas or anywhere else within the United States.

WHEREAS, Comcast Corporation, Comcast Cable, and Comcast of Houston (collectively “Comcast”) moved to dismiss this action pursuant to FED. R. CIV. P. 12(b)(2) and (3) on May 23, 2011, on the grounds that the Eastern District of Texas lacks personal jurisdiction over Comcast Corporation and that venue in this judicial district is improper over the entire action.

STIPULATION

1. Comcast Corporation shall be dismissed from this action without prejudice.
2. Comcast Cable and Comcast of Houston will not file a renewed motion to dismiss pursuant to FED. R. CIV. P. 12(b)(3) on the basis that venue is improper at this time over Comcast Cable and Comcast of Houston.
3. Comcast Cable and Comcast of Houston will not argue that Comcast Corporation's dismissal from this action impairs C-Cation Tech's ability to pursue or obtain discovery on any of the claims for relief alleged in the First Amended Complaint.
4. Comcast Corporation's dismissal from this action has no bearing on whether a transfer under 28 U.S.C. § 1404 for Comcast Cable and Comcast of Houston is appropriate.
5. In the event that Comcast Cable and/or Comcast of Houston are unable to satisfy their financial obligations, if any, to C-Cation Tech due to any final judgment in this action, Comcast Corporation agrees to cover such financial obligations of Comcast Cable Communications and/or Comcast of Houston.
6. Effective immediately, C-Cation Tech hereby withdraws the following jurisdictional discovery requests and deposition notice to Comcast: (1) C-Cation Tech's First Set of Interrogatories to the Comcast Defendants for Jurisdictional Discovery (Nos. 1-8); (2) Cation Tech's Requests for Documents and Things to the Comcast Defendants for Jurisdictional Discovery (Nos. 1-47); and (3) C-Cation Tech's Notice of Deposition of the Comcast Defendants Pursuant to FED. R. CIV. P.

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