

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

SOLOCRON MEDIA, LLC,

Plaintiff,

v.

**VERIZON COMMUNICATIONS INC.,
CELLCO PARTNERSHIP d.b.a. VERIZON
WIRELESS, AT&T, INC., AT&T MOBILITY
LLC, SPRINT CORPORATION, SPRINT
COMMUNICATIONS COMPANY L.P.,
SPRINT SOLUTIONS INC., and T-MOBILE
USA, INC.,**

Defendants.

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§ **Civil Action No.: 2:13-cv-1059-JRG**
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§ **JURY TRIAL DEMANDED**
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**STIPULATION OF DISMISSAL WITHOUT
PREJUDICE AS TO DEFENDANT AT&T INC.**

Plaintiff Solocron Media, LLC (“Solocron”) and Defendants AT&T Inc. and AT&T Mobility LLC submit the following Stipulation of Dismissal Without Prejudice as to Defendant AT&T Inc. and in support thereof state:

1. On December 6, 2013, Plaintiff Solocron filed suit against AT&T Inc. (“AT&T Inc.”), AT&T Mobility LLC (“AT&T Mobility”), and others alleging infringement of U.S. Patent Nos. 6,496,692, 7,257,395, 7,295,864, 7,319,866, 7,742,759, 8,249,572, and 8,594,651.
2. AT&T Inc. and AT&T Mobility represent and warrant that:
 - a. AT&T Inc. is a holding company that has no employees, sales representatives, or distributors. Furthermore, AT&T Inc. does not instruct, direct, or control the activities of its subsidiaries (or any other entity) relevant to operations or design of any systems or services.

- b. AT&T Inc. and AT&T Mobility agree that for purposes of discovery in this case, documents and information in the possession, custody or control of AT&T Inc. is deemed also to be in the possession, custody and control of AT&T Mobility. AT&T Mobility will not object to a request for deposition on the grounds that the prospective deponent is an employee of AT&T Inc. (though nothing in this stipulation prevents AT&T Mobility from objecting to a deposition on other grounds).
- c. AT&T Mobility or any assignee of AT&T Mobility is able to satisfy any judgment against it in this case. AT&T Inc. and AT&T Mobility each warrant and represent that they will not take any action that will cause AT&T Mobility to be unable to fully satisfy any judgment entered in this case.
- d. AT&T Mobility will respond to Solocron's First Amended Complaint on or before Friday, February 28, 2014.
- e. AT&T Mobility will not dispute that The United States District Court for the Eastern District of Texas has personal jurisdiction over it for purposes of this case.
- f. The acts alleged in Plaintiff's First Amended Complaint, to the extent that AT&T Inc. understands them, would be attributable to AT&T Mobility and not to AT&T Inc.; this representation is made without any admission to the truth or falsity of Plaintiff's allegations in Plaintiff's First Amended Complaint.
- g. AT&T Inc. and AT&T Mobility agree that they will not object to the timeliness of Plaintiff's attempt to add AT&T Inc. back into this litigation in

the event Plaintiff so moves. AT&T Inc. and AT&T Mobility preserve all objections but for timeliness to such potential motion, including but not limited to objections regarding the Court's personal jurisdiction (or lack of personal jurisdiction) over AT&T Inc. AT&T Mobility also agrees not to seek the extension of any case schedule or deadlines as a result of adding AT&T Inc. back into this litigation.

- h. AT&T Inc. agrees that it will not file a Declaratory Judgment action outside of and during the pending litigation relating to the patents and claims that were asserted against AT&T Inc. and AT&T Mobility in this action, other than as a counterclaim.
3. In reliance upon the representations and warranties made in paragraphs 2(a) – 2(h) above, Solocron agrees to dismiss AT&T Inc. without prejudice as allowed under Rule 41(a)(2) of the Federal Rules of Civil Procedure.
4. Solocron has not released, and nothing in this Stipulation should be construed as a release or discharge of, any claim Solocron has or may have in the future against any defendant named in this action or any other asserted infringer of the patents-in-suit. All other rights have been expressly reserved.

Accordingly, Solocron, AT&T Inc. and AT&T Mobility LLC request that the Court enter the attached order dismissing AT&T Inc. without prejudice.

Dated: February 28, 2014

Respectfully submitted,

/s/ William P. Nelson

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**ATTORNEYS FOR PLAINTIFF
SOLOCRON MEDIA, LLC**

Dated: February 28, 2014

Respectfully submitted,

/s/ Theodore Stevenson, III

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**ATTORNEYS FOR DEFENDANTS AT&T
INC. AND AT&T MOBILITY LLC**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by email this 28th day of February, 2014.

/s/ Theodore Stevenson, III

Theodore Stevenson, III

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