

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.

§
§
§
§
§
§
§
§
§
§
§
§
§
§
§
§
§
§
§
§
§
§

Civil Action No.: 2:13-cv-1059-JRG

JURY TRIAL DEMANDED

**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

Eric Hugh Findlay
State Bar No. 00789886
FINDLAY CRAFT
6760 Old Jacksonville Hwy
Suite 101
Tyler, TX 75703
Telephone: (903) 534-1100
Facsimile: (903) 534-1137
Email: efindlay@findlaycraft.com

Matthew D. Powers
CA Bar No. 104795 (Admitted E.D. Tex.)
Steven S. Cherensky
CA Bar No. 168275 (Admitted E.D. Tex.)
Paul T. Ehrlich
CA Bar No. 228543 (Admitted E.D. Tex.)
William P. Nelson – *Lead Attorney*
CA Bar No. 196091 (Admitted E.D. Tex.)
Robert L. Gerrity
CA Bar No. 268084 (Admitted E.D. Tex.)
TENSEGRITY LAW GROUP, LLP
555 Twin Dolphin Drive
Suite 360
Redwood Shores, CA 94065
Telephone: (650) 802-6000
Facsimile: (650) 802-6001
Email:
william.nelson@tensegritylawgroup.com
matthew.powers@tensegritylawgroup.com
steven.cherensky@tensegritylawgroup.com
paul.ehrlich@tensegritylawgroup.com
robert.gerrity@tensegritylawgroup.com

**ATTORNEYS FOR PLAINTIFF
SOLOCRON MEDIA, LLC**

Dated: February 28, 2014

Respectfully submitted,

/s/ Theodore Stevenson, III

Theodore Stevenson, III

Lead Attorney

Texas State Bar No. 19196650

tstevenson@mckoolsmith.com

Scott W. Hejny

Texas State Bar No. 24038952

shejny@mckoolsmith.com

Nicholas Mathews

Texas State Bar No. 24085457

nmathews@mckoolsmith.com

MCKOOL SMITH, P.C.

300 Crescent Court, Suite 1500

Dallas, Texas 75201

Telephone: (214) 978-4000

Telecopier: (214) 978-4044

**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

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.