

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

CELLULAR COMMUNICATIONS
EQUIPMENT LLC,

Plaintiff,

v.

AT&T INC., *et al.*,

Defendants.

Civil Action No. 2:15-cv-00576

JURY TRIAL DEMANDED

CELLULAR COMMUNICATIONS
EQUIPMENT LLC,

Plaintiff,

v.

SPRINT CORPORATION, *et al.*,

Defendants.

Civil Action No. 2:15-cv-00579

JURY TRIAL DEMANDED

CELLULAR COMMUNICATIONS
EQUIPMENT LLC,

Plaintiff,

v.

T-MOBILE USA, INC., *et al.*,

Defendants.

Civil Action No. 2:15-cv-00580

JURY TRIAL DEMANDED

**STIPULATION OF DISMISSAL WITHOUT PREJUDICE AS TO DEFENDANTS
ZTE CORPORATION AND ZTE SOLUTIONS, INC.**

Plaintiff Cellular Communications Equipment LLC (“CCE”) and Defendants ZTE Corporation, ZTE (USA) Inc., and ZTE Solutions, Inc. submit the following Stipulation of Dismissal Without Prejudice as to Defendants ZTE Corporation and ZTE Solutions, Inc. and in

support thereof state:

1. On April 30, 2015, Plaintiff CCE filed suit against ZTE Corporation, ZTE (USA) Inc., ZTE Solutions, Inc., and others for infringement of U.S. Patent No. 8,457,022, U.S. Patent No. 8,570,957, and U.S. Patent No. 8,867,472. On July 22, 2015, Plaintiff CCE filed an Amended Complaint against ZTE Corporation, ZTE (USA) Inc., ZTE Solutions, Inc., and others for infringement of the above patents, as well as U.S. Patent No. 8,457,676, U.S. Patent No. 9,025,590, and U.S. Patent No. 9,078,262.

2. ZTE Corporation, ZTE (USA) Inc., and ZTE Solutions, Inc. represent and warrant that:

a. ZTE Corporation does not engage in activities under the Patent Act, 35 U.S.C. §§ 1-376, in the United States.

b. ZTE Solutions, Inc. is formerly a corporation formed on or about July 20, 2010 pursuant to the laws of the State of Delaware. It was dissolved on July 11, 2013, having never commenced business as an affiliate of ZTE Corporation and/or ZTE (USA), Inc. It has no employees, sales representatives, or distributors, and it does not instruct, direct, or control — and has never instructed, directed, or controlled — any aspect of the business activities of ZTE Corporation or ZTE (USA), Inc. Furthermore, ZTE Solutions, Inc. is, and has never been, responsible for or otherwise involved with the development, manufacture, or sale of ZTE wireless mobile devices.

c. ZTE Corporation, ZTE (USA) Inc., and ZTE Solutions, Inc. agree that for purposes of discovery in the above-captioned lawsuits, witnesses, documents and information in the possession, custody, or control of ZTE Corporation or ZTE Solutions, Inc., or any of their respective subsidiaries, are deemed also to be in the possession, custody, and control of ZTE (USA) Inc. ZTE (USA) Inc. will not object to a request for deposition on the grounds that the prospective deponent is an employee of ZTE

Corporation or ZTE Solutions, Inc., or any of their respective subsidiaries (though nothing in this stipulation prevents ZTE (USA) Inc. from objecting to a deposition on other grounds).

d. CCE and ZTE (USA) Inc. agree that any depositions of the officers or employees of ZTE Corporation or its subsidiaries who reside outside the United States, including personal and corporate depositions pursuant to Federal Rules of Civil Procedure 30(b)(1) or 30(b)(6), respectively, will occur at a location mutually agreed to by the parties in Hong Kong. If the parties cannot reach agreement on the Hong Kong location, the issue shall be submitted to the Court for resolution consistent with procedures adopted by the Court for resolution of discovery disputes, and ZTE Corporation and ZTE (USA) Inc. and their respective deponents agree to abide by the decision of the Court. CCE and ZTE (USA) Inc. further agree to meet and confer in good faith in an attempt to resolve any disputes regarding the location of depositions prior to seeking resolution by the Court. For any such depositions taken in Hong Kong, ZTE (USA) Inc. agrees that CCE shall not be restricted to the use of U.S. consular or U.S. Embassy premises or consular officers for certification. The parties to this Stipulation further agree to waive any objection to a stenographer, provided the stenographer is authorized either under the law of the country in which the deposition is taken or is a notary public in one of the states, territories, or District of Columbia, of the United States.

e. ZTE (USA) Inc. is the proper party to defend against allegations made in the above-captioned lawsuits. Furthermore, ZTE (USA) Inc. or any assignee of ZTE (USA) Inc. is able to satisfy any judgment in the above-captioned lawsuits against it. ZTE Corporation, ZTE (USA) Inc., ZTE Solutions, Inc. each warrant and represent that they will not take any action that will cause ZTE (USA), Inc. to be unable to fully satisfy any

such judgment.

f. Any and all claims or causes of action by CCE against ZTE Corporation or ZTE Solutions, Inc. relating to the patents-in-suit are tolled from the filing date of this dismissal and for such time as ZTE (USA) Inc. remains a party to any of the above-captioned lawsuits; and

g. Upon being dismissed without prejudice from the above-captioned lawsuits, ZTE Corporation and ZTE Solutions, Inc. (as well as any successor-in-interest thereto) will not initiate a declaratory judgment action against CCE based on liability under the patents-in-suit.

3. CCE expressly does not stipulate or agree to any of the foregoing facts, and reserves its right to dispute any of the foregoing factual representations.

4. In reliance upon the representations and warranties made in paragraphs 2(a) – 2(g) above, CCE agrees to dismiss ZTE Corporation and ZTE Solutions, Inc. without prejudice from the above-captioned lawsuits as allowed under Rule 41(a)(2) of the Federal Rules of Civil Procedure.

5. CCE has not released, and nothing in this Stipulation should be construed as a release or discharge of, any claim CCE 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, CCE, ZTE Corporation, ZTE (USA) Inc., and ZTE Solutions, Inc. request that the Court enter the attached order dismissing ZTE Corporation and ZTE Solutions, Inc. without prejudice.

Dated: August 11, 2015

Respectfully submitted,

/s/ Edward R. Nelson III

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