

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

VARTA MICROBATTERY GMBH,

Plaintiff,

v.

COSTCO WHOLESALE CORPORATION,

AMAZON.COM, INC.

BEST BUY CO., INC.

PEAG, LLC

AUDIO PARTNERSHIP LLC, ET AL

Defendants.

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CIVIL ACTION NO. 2:20-cv-00051-JRG
LEAD CASE

CIVIL ACTION NO. 2:20-cv-00052-JRG

CIVIL ACTION NO. 2:20-cv-00054-JRG

CIVIL ACTION NO. 2:20-cv-00071-JRG

CIVIL ACTION NO. 2:20-cv-00138-JRG


ORDER

Before the Court is the Joint Motion to Dismiss without Prejudice Pursuant to Federal Rule of Civil Procedure 41(a)(2) (the “Motion”) filed by Plaintiff VARTA Microbattery GmbH (“VARTA”) and Defendant Best Buy Co., Inc. (“Best Buy”) (collectively, the “Parties”). (Dkt. No. 24). In the Motion, the Parties stipulate and jointly move to dismiss VARTA’s Complaint against Best Buy without prejudice and with no award of fees or costs because Best Buy represented to VARTA that it does not make, use, offer to sell, or sell in the United States, or import into the United States any of the accused products at issue in this lawsuit.

Having considered the Motion, the Court finds it should be and hereby is **GRANTED**. The Court **ORDERS** that VARTA’s claims against defendant Best Buy are **DISMISSED WITHOUT**

PREJUDICE. Each party shall bear its own costs, expenses, and attorneys' fees. The Clerk of Court is directed to terminate Best Buy as a defendant in Member Case No. 2:20-cv-00054-JRG. Lead Case No 2:20-cv-00051-JRG and Member Case No. 2:20-cv-00054-JRG shall remain **OPEN** in view of the remaining live parties.

So ORDERED and SIGNED this 13th day of May, 2020.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE