

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

CELLULAR COMMUNICATIONS
EQUIPMENT LLC,

Plaintiff,

v.

LG ELECTRONICS, INC., *et al.*,

Defendants.

CIVIL ACTION NO. 6:14-cv-982

CONSOLIDATED LEAD CASE

CELLULAR COMMUNICATIONS
EQUIPMENT LLC,

Plaintiff,

v.

SONY MOBILE COMMUNICATIONS
INC., *et al.*,

Defendants.

CIVIL ACTION NO. 6:14-cv-983

**STIPULATION OF DISMISSAL WITHOUT PREJUDICE AS TO
DEFENDANT SONY MOBILE COMMUNICATIONS INC.**

Plaintiff Cellular Communications Equipment LLC (“CCE”) and Defendants Sony Mobile Communications Inc. and Sony Mobile Communications (USA) Inc. submit the following Stipulation of Dismissal Without Prejudice as to Defendant Sony Mobile Communications Inc. and in support thereof state:

1. On December 19, 2014, Plaintiff CCE filed suit against Sony Mobile Communications Inc., Sony Mobile Communications (USA) Inc., and others for infringement of U.S. Patent No. 8,385,966, U.S. Patent No. 8,868,060, and U.S. Patent No. 8,848,556. On

February 18, 2015, this suit was consolidated with TXED-6:14-cv-982, which has been designated the lead case.

2. Sony Mobile Communications Inc. and Sony Mobile Communications (USA) Inc. represent and warrant that:

a. Sony Mobile Communications Inc. is a Japanese corporation and does not make, import, market, sell, test or distribute the allegedly infringing products in the United States and does not otherwise engage in any activities specified in 35 U.S.C. §271. Sony Mobile Communications (USA) Inc. is the entity exclusively responsible for the importation, marketing, sales, testing and distribution in the United States of the allegedly infringing products identified by CCE in its May 15, 2015 Infringement Contentions;

b. Sony Mobile Communications Inc. and Sony Mobile Communications (USA) Inc. agree that for purposes of discovery in this case, to the extent discoverable documents and information not otherwise in the possession, custody and control of Sony Mobile Communications (USA) Inc. are in the possession, custody, or control of Sony Mobile Communications, Inc., Sony Mobile Communications (USA) Inc. will obtain and produce such discoverable documents and information. Sony Mobile Communications (USA) Inc. will not object to a request for a deposition on the grounds that the prospective deponent is an employee of Sony Mobile Communications Inc. (though nothing in this stipulation prevents Sony Mobile Communications (USA) Inc. from objecting to a deposition on other grounds);

c. Sony Mobile Communication (USA), Inc. is the proper party to defend against allegations made in this patent infringement lawsuit. Furthermore, Sony Mobile Communication (USA), Inc. or any assignee of Sony Mobile Communication (USA), Inc. is able to satisfy any judgment in this patent infringement lawsuit against it. Sony Mobile Communications Inc. and Sony Mobile Communications (USA) Inc. each warrant and represent that they will not take any action that will cause Sony Mobile Communications (USA) Inc. to be unable to fully satisfy any such judgment;

d. Any and all claims or causes of action by CCE against Sony Mobile Communications Inc., if any, relating to the patents-in-suit are tolled from the filing date of this dismissal and for such time as Sony Mobile Communications (USA) Inc. remains a party to this case; and

e. Upon being dismissed without prejudice from this case, Sony Mobile Communications Inc. (as well as any successor-in-interest thereto) will not initiate a declaratory judgment action under 28 U.S.C. § 2201 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 with evidence to the contrary.

4. In reliance upon the representations and warranties made in paragraphs 2(a) – 2(e) above, CCE agrees to dismiss Sony Mobile Communications Inc. without prejudice 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 of any other asserted infringer of the patents-in-suit. All other rights have been expressly reserved.

Accordingly, CCE, Sony Mobile Communications (USA) Inc., and Sony Mobile Communications Inc. request that the Court enter the attached order dismissing Sony Mobile Communications Inc. without prejudice.

Dated: June 23, 2015

Respectfully submitted,

/s/ Edward R. Nelson III

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was filed electronically in compliance with Local Rule CV-5 on this 23rd day of June, 2015. As of this date, all counsel of record have consented to electronic service and are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(a)(3)(A).

/s/ Edward R. Nelson III