

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

RFCyber CORP.,	§	Case No. 6:22-cv-00697-ADA
	§	
Plaintiff,	§	<u>JURY TRIAL DEMANDED</u>
	§	
v.	§	
	§	
VISA U.S.A. INC.,	§	
	§	
Defendant.	§	

JOINT MOTION TO DISMISS

WHEREAS, Plaintiff, RFCyber Corp. (“RFCyber”) and Defendant Visa U.S.A. Inc. (“Visa”) have resolved RFCyber’s claims for relief against Visa asserted in this case.

NOW, THEREFORE, RFCyber and Visa, through their attorneys of record, request this Court to dismiss RFCyber’s claims for relief against Visa with prejudice and Visa’s defenses against RFCyber without prejudice, and with all attorneys’ fees, costs of court, and expenses borne by the party incurring the same.

Dated: February 2, 2024

Respectfully submitted,

<u>/s/ Vincent J. Rubino, III</u> Raymond W. Mort, III Texas State Bar No. 00791308 Email: raymort@austinlaw.com THE MORT LAW FIRM, PLLC 100 Congress Avenue, Suite 2000 Austin, Texas 78701 Tel/Fax: 512-865-7950	<u>/s/ James C. Yoon</u> James C. Yoon (CA State Bar No. 177155) jyoon@wsgr.com WILSON SONSINI GOODRICH & ROSATI 650 Page Mill Road Palo Alto, CA 94304-1050 Telephone: (650) 493-9300 Fax: (650) 493-6811 Lucy Yen (NY State Bar No. 4871653) (<i>pro hac vice</i>) lyen@wsgr.com Cassie Black (NY State Bar No. 5599303) (<i>pro hac vice</i>)
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<p>OF COUNSEL:</p> <p>Alfred R. Fabricant (<i>Pro Hac Vice</i> to be filed) NY Bar No. 2219392 Email: ffabricant@fabricantllp.com</p> <p>Peter Lambrianakos (Admitted <i>Pro Hac Vice</i>) NY Bar No. 2894392 Email: plambrianakos@fabricantllp.com</p> <p>Vincent J. Rubino, III (<i>Pro Hac Vice</i> to be filed) NY Bar No. 4557435 Email: vrubino@fabricantllp.com</p> <p>Richard M. Cowell (Admitted <i>Pro Hac Vice</i>) NY Bar No. 4617759 Email: rcowell@fabricantllp.com</p> <p>FABRICANT LLP 411 Theodore Fremd Avenue, Suite 206 South Rye, New York 10580 Telephone: (212) 257-5797 Facsimile: (212) 257-5796</p> <p><i>ATTORNEYS FOR PLAINTIFF RFCYBER CORP.</i></p>	<p>cblack@wsgr.com</p> <p>WILSON SONSINI GOODRICH & ROSATI 1301 Avenue of the Americas, 40th Floor New York, NY 10019-6022 Telephone: (212) 999-5800 Fax: (212) 999-5899</p> <p>Jamie Y. Otto (CA State Bar No. 295099) (<i>pro hac vice</i>) jotto@wsgr.com</p> <p>WILSON SONSINI GOODRICH & ROSATI 633 West Fifth St., Suite 1550 Los Angeles, CA 90071 Telephone: (650) 849-3109</p> <p><i>ATTORNEYS FOR DEFENDANT VISA U.S.A. INC.</i></p>
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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served on February 2, 2024 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 electronic mail on this same date.

/s/ Vincent J. Rubino, III
Vincent J. Rubino, III