

RUSS, AUGUST & KABAT

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2-WAY COMPUTING INC.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

2-WAY COMPUTING, INC., a Nevada
corporation,

Plaintiff,

vs.

AVAYA, INC., a Delaware corporation,

Defendant.

Case No.: **2:15-cv-02233-GMN-CWH**

JOINT MOTION TO DISMISS

WHEREAS, Plaintiff 2-Way Computing, Inc. (“2-Way”) and Defendant Avaya, Inc. (“Avaya”) have resolved 2-Way’s claims for relief against Avaya.

NOW, THEREFORE, 2-Way and Avaya through their attorneys of record, request this Court to dismiss 2-Way’s claims for relief against Avaya with prejudice with all attorneys’ fees, costs of court and expenses borne by the party incurring same.

Attached hereto as Exhibit 1 is a [Proposed] Order of Dismissal with Prejudice.

Dated: May 24, 2016

Respectfully submitted,

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Attorneys for Defendant Avaya Inc.

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CERTIFICATE OF SERVICE

I am a resident of Clark County, Nevada and am over the age of 18 years and not a party to the action. My business address is: 10161 Park Run Drive, Suite 150, Las Vegas, Nevada, 89145.

On **May 24, 2016**, I served this document on the parties listed on the attached service list via one or more of the methods of service described below as indicated next to the name of the served individual or entity by a checked box:

PERSONAL SERVICE: by personally hand-delivering or causing to be hand delivered by such designated individual whose particular duties include delivery of such on behalf of the firm, addressed to the individual(s) listed, signed by such individual or his/her representative accepting on his/her behalf. A receipt of copy signed and dated by such an individual confirming delivery of the document will be maintained with the document and is attached.

EMAIL: By transmitting a copy of the document to the electronic-mail address designated by the attorney or the party who has consented to such manner of service.

E-FILE: Automatically through the court’s electronic filing system.

FAX SERVICE: by transmitting to a facsimile machine maintained by the attorney or the party who has consented to such manner of service.

MAIL SERVICE: by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada. I am readily familiar with the firm’s practice of collection and processing correspondence by mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage fully prepaid at Las Vegas, Nevada in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit.

I declare that under penalty of perjury under the laws of the State of Nevada that the above is true and correct. I further declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

/s/ Mark Borghese

An employee of BORGHESE LEGAL, LTD.

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ATTORNEYS OF RECORD	PARTIES REPRESENTED	METHOD OF SERVICE
Michael D. Rounds BROWNSTEIN HYATT FARBER SCHRECK, LLP 5371 Kietzke Lane Reno, Nevada 89511	Attorneys for Defendant	<input type="checkbox"/> Personal service <input type="checkbox"/> Email <input checked="" type="checkbox"/> E-File <input type="checkbox"/> Fax service <input type="checkbox"/> Mail service
Amr Aly Gregory J. Apgar MAYER BROWN LLP 1221 Avenue of the Americas New York, New York 10020-1001	Attorneys for Defendant	<input type="checkbox"/> Personal service <input type="checkbox"/> Email <input checked="" type="checkbox"/> E-File <input type="checkbox"/> Fax service <input type="checkbox"/> Mail service

EXHIBIT 1

EXHIBIT 1

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

2-WAY COMPUTING, INC., a Nevada corporation,

Plaintiff,

vs.

AVAYA, INC., a Delaware corporation,

Defendant.

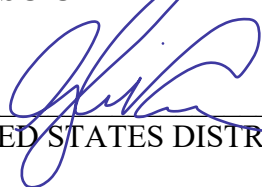
Case No.: 2:15-cv-02233-GMN-CWH

[PROPOSED] ORDER OF DISMISSAL WITH PREJUDICE

Plaintiff 2-Way Computing, Inc. (“2-Way”) and Defendant Avaya, Inc. (“Avaya”) announced to the Court that they have resolved 2-Way’s claims for relief against Avaya asserted in this case. 2-Way and Avaya have therefore requested that the Court dismiss 2-Way’s claims for relief against Avaya with prejudice with all attorneys’ fees, costs and expenses taxed against the party incurring same. The Court, having considered this request, is of the opinion that their request for dismissal should be granted.

IT IS THEREFORE ORDERED that 2-Way’s claims for relief against Avaya are dismissed with prejudice. IT IS FURTHER ORDERED that all attorneys’ fees, costs of court and expenses shall be borne by each party incurring the same.

IT IS SO ORDERED:


UNITED STATES DISTRICT JUDGE

DATED: May 25, 2016

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