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 2-WAY COMPUTING INC.

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 17 **UNITED STATES DISTRICT COURT**  
 18 **DISTRICT OF NEVADA**

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 20 2-WAY COMPUTING, INC., a Nevada  
 corporation,  
 21  
 Plaintiff,  
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 v.  
 23 CELLCO PARTNERSHIP D/B/A VERIZON  
 WIRELESS INC., a Delaware corporation,  
 24  
 Defendant.  
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Case No.: **2:15-cv-02237-GMN-CWH**

**JOINT MOTION TO DISMISS**

26 WHEREAS, Plaintiff 2-Way Computing, Inc. (“2-Way”) and Defendant Cellco  
 27 Partnership d/b/a Verizon Wireless (“Verizon”) have resolved 2-Way’s claims for relief against  
 28 Verizon and Verizon’s counterclaims for relief against 2-Way asserted in this case.

1 NOW, THEREFORE, pursuant to Fed. R. Civ. P. 41(a) and (c), 2-Way and Verizon  
2 through their attorneys of record, request this Court to dismiss 2-Way’s claims for relief against  
3 Verizon with prejudice and Verizon’s claims, defenses or counterclaims for relief against 2-Way  
4 without prejudice, and with all attorneys’ fees, costs of court and expenses borne by the party  
5 incurring same.

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

7  
8 Dated: June 1, 2016

Respectfully submitted,

9 /s/ Mark Borghese

/s/ Chad R. Fears

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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 **June 1, 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*

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An employee of BORGHESE LEGAL, LTD.

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ATTORNEYS OF RECORD	PARTIES REPRESENTED	METHOD OF SERVICE
Chad R. Fears <b>Snell &amp; Wilmer LLP</b> 3883 Howard Hughes Parkway, Suite 1100 Las Vegas, Nevada 89169	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
Darcy L. Jones, Esq. Marcus A. Barber, Esq. <b>KASOWITZ, BENSON, TORRES                      &amp; FRIEDMAN LLP</b> 333 Twin Dolphin Drive, Suite 200 Redwood Shores, CA 94065	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**

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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

2-WAY COMPUTING, INC., a Nevada corporation,  
  
Plaintiff,  
  
v.  
  
CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS INC., a Delaware corporation,  
  
Defendant.

Case No.: 2:15-cv-02237-GMN-CWH

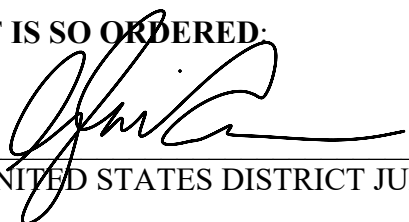
~~PROPOSED~~ ORDER OF DISMISSAL

Plaintiff 2-Way Computing, Inc. (“2-Way”) and Defendant and Counterclaim-Plaintiff Cellco Partnership d/b/a Verizon Wireless (“Verizon”) announced to the Court that they have resolved 2-Way’s claims for relief against Verizon asserted in this case and Verizon’s claims, defenses and/or counterclaims for relief against 2-Way asserted in this case. Pursuant to Fed. R. Civ. P. 41(a) & (c), 2-Way and Verizon have therefore requested that the Court dismiss 2-Way’s claims for relief against Verizon with prejudice and Verizon’s claims, defenses and/or counterclaims for relief against 2-Way without prejudice, and 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 Verizon are dismissed with prejudice and Verizon’s claims, defenses and/or counterclaims for relief against 2-Way are dismissed without prejudice pursuant to Fed. R. Civ. P. 41(a) & (c).

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

June 9, 2016

DATED: \_\_\_\_\_