

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

CERTICOM CORP. and CERTICOM  
PATENT HOLDING CORP.,

Plaintiff,

v.

SONY CORPORATION, SONY  
CORPORATION OF AMERICA, SONY  
COMPUTER ENTERTAINMENT INC.,  
SONY COMPUTER ENTERTAINMENT  
AMERICA INC., SONY PICTURES  
ENTERTAINMENT INC., SONY  
ELECTRONICS INC. and SONY DADC  
US INC.,

Defendants.

Civil Action No. 2-07-CV-216(TJW)

JURY

**STIPULATED MOTION TO DISMISS WITHOUT PREJUDICE**

Plaintiffs Certicom Corp. and Certicom Patent Holding Corp. (collectively “Certicom”) and Defendants Sony Corporation, Sony Corporation of America, Sony Computer Entertainment Inc., Sony Computer Entertainment America Inc., Sony Pictures Entertainment Inc., Sony Electronics Inc. and Sony DADC US Inc. (collectively, “Sony”) respectfully move the Court to dismiss without prejudice all claims and counterclaims between them, and in support thereof would respectfully show the Court as follows:

Whereas Certicom and Sony have entered into a settlement agreement pursuant to which they have agreed to a dismissal without prejudice, these parties therefore jointly move to dismiss all claims and counterclaims asserted in this suit, without prejudice to the right to pursue any such claims and counterclaims in the future. These parties further move that all costs of court and attorneys fees be borne by the party who incurred them.

WHEREFORE, PREMISES CONSIDERED, these parties jointly pray that this action

be dismissed without prejudice, with all costs of court and attorneys fees to be borne by the party who incurred them.

Dated: May 26, 2009

Respectfully submitted,

By: /s/ **Carl R. Roth** by permission **Melvin R. Wilcox, III**

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*Attorney for Defendants*

### **CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to FED. R. Civ. P. 5(d) and Local Rule CV-5(d), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by facsimile, electronic mail, and/or first class mail, on May 26, 2009.

**/s/ Melvin R. Wilcox, III**  
MELVIN R. WILCOX, III