

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

MINERVA INDUSTRIES, INC.,

Plaintiff,

v.

MOTOROLA, INC., et al.

Defendants.

Civil Action No: 2-07 CV-229

**The Honorable T. John Ward
United States District Judge**

AND RELATED COUNTERCLAIMS.

**JOINT STIPULATION AND [PROPOSED] ORDER
STRIKING HTC CORPORATION'S ANSWER**

WHEREAS Plaintiff Minerva Industries, Inc. ("Minerva") has properly named defendant HTC Corporation in the above-captioned patent infringement complaint ("Complaint");

WHEREAS Minerva mistakenly served process upon Thomas E. Kelly at 4411 Cardinal Lane, Midland, Texas 79707, as registered agent for an HTC Corporation based in Texas;

WHEREAS Minerva meant to serve process upon the correct defendant, HTC Corporation, based in California;

WHEREAS HTC Corporation of Texas is not a proper defendant in this action; and

WHEREAS HTC Corporation of Texas has already answered Minerva's Complaint.

NOW, THEREFORE the Parties do hereby stipulate and agree that, for purposes of this litigation, the answer of HTC Corporation of Texas be STRICKEN;

HTC Corporation of Texas need file no further documents in this case, and otherwise has no further obligations to defend against, or respond to, Minerva's Complaint in any way; and

HTC Corporation of Texas will be treated, for all intents and purposes, as having been dismissed from this action.

The foregoing is hereby stipulated by and between counsel.

Dated: December 21, 2007

Respectfully submitted,

By: /s/ David H. Smith (Collin Maloney w/ permission

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record are being served with a copy of this document via electronic delivery or United States mail this 21st day of December, 2007.

/s/ Collin Maloney