## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS MARSHALL DIVISION

KLAUSNER TECHNOLOGIES, INC.,	§	
a New York corporation,	§	
	§	
Plaintiff,	§	C.A. 2:08-cv-117 (TJW/CE)
	§	
VS.	§	(JURY TRIAL)
	§	
Apple Inc., a California corporation; AT&T	§	
Mobility LLC, a Delaware limited liability	§	
company;	§	
	§	
Defendants.	§	

## **MOTION TO DISMISS**

COMES NOW Plaintiff, Klausner Technologies, Inc., pursuant to Federal Rule of Civil Procedure Rule 41(a)(1)(A)(i), and respectfully moves the Court to dismiss with prejudice all claims asserted by Plaintiff, Klausner Technologies, Inc., against Defendants, Apple Inc. and AT&T Mobility LLC, and in support thereof would respectfully show the Court as follows:

I.

All matters in controversy between Plaintiff, Klausner Technologies, Inc., and

Defendants, Apple Inc. and AT&T Mobility LLC, have been settled. Defendants, Apple Inc. and AT&T Mobility LLC, have neither answered nor filed a motion for summary judgment in this action. Plaintiff, Klausner Technologies, Inc., therefore moves to dismiss all claims asserted against Defendants, Apple Inc. and AT&T Mobility LLC with prejudice pursuant to Federal Rule of Civil Procedure Rule 41(a)(1)(A)(i). Plaintiff, Klausner Technologies, Inc., further moves that all attorneys fees and costs of court be borne by the party that incurred them.

WHEREFORE, PREMISES CONSIDERED, Plaintiff, Klausner Technologies, Inc. prays

that all claims asserted against Defendants, Apple Inc. and AT&T Mobility LLC be dismissed with prejudice, with all attorneys fees and costs of court being borne by the party that incurred them.

Dated: June 16, 2008

Respectfully submitted,

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## ATTORNEYS FOR PLAINTIFF, KLAUSNER TECHNOLOGIES, INC.

## **CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served this  $16^{th}$  day of June, 2008, 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, facsimile transmission and/or first class mail on this same date.

/s/ Elizabeth L. DeRieux Elizabeth L. DeRieux