

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

API TECHNOLOGIES, LLC,

*Plaintiff,*

v.

FACEBOOK, INC., ET AL.,

*Defendants.*

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CIVIL ACTION NO. 2:09-CV-00147

JURY TRIAL DEMANDED

**JOINT MOTION FOR DISMISSAL BY PLAINTIFF API TECHNOLOGIES, LLC  
AND DEFENDANT FACEBOOK, INC. PURSUANT TO F.R.C.P. 41(A)(2)**

Pursuant to Fed. R. Civ. P. 41(a)(2), the plaintiff API Technologies, LLC (“API”) and defendant Facebook, Inc. (“Facebook”) file this Joint Motion for Dismissal subject to the terms and conditions of those confidential agreements entered into between the parties. The parties jointly move this Court to dismiss, WITHOUT PREJUDICE, API’s claims against Facebook, with each party to bear its own costs, expenses and attorneys’ fees.

The dismissal of Facebook from this action in no way affects API’s claims against any other defendant, all of which remain pending, nor does it affect any defenses or counterclaims that could have been raised or asserted by defendant Facebook.

AGREED:

July 31, 2009

**FACEBOOK, INC.**

By: /s/ Deron R. Dacus (with permission)  
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Respectfully submitted,

**API TECHNOLOGIES, LLC**

By: /s/ Tyler K. Brochstein  
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**ATTORNEYS FOR PLAINTIFF  
API TECHNOLOGIES, LLC**

**CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record who have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this the 31<sup>st</sup> day of July 2009.

/s/ Tyler K. Brochstein  
Tyler K. Brochstein