

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

SIMPLEAIR, INC.,

Plaintiff,

v.

AWS CONVERGENCE TECHNOLOGIES,  
INC., ET AL.,

Defendants.

Civil Action No. 2:09-cv-289 (CE)

JURY DEMANDED

**JOINT MOTION TO DISMISS BETWEEN  
SIMPLEAIR, INC. AND DEFENDANT FACEBOOK, INC.**

Plaintiff SimpleAir, Inc. (“SimpleAir”) and Defendant Facebook, Inc. (“Facebook”), hereby jointly move the Court to dismiss all claims of SimpleAir asserted against Facebook with prejudice and all counterclaims asserted by Facebook without prejudice.

The parties further move that all costs be assessed against the party who incurred them.

A proposed order is attached.

Dated: February 7, 2011

Respectfully submitted,

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Counterclaimant FACEBOOK, INC.

### **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) and (e), 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 email, on this the 7<sup>th</sup> day of February, 2011.

/s/ Jeff Eichmann  
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