

**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

Plaintiff SimpleAir, Inc. (“SimpleAir”) and Defendant AWS Convergence Technologies, Inc. (“AWS Convergence”), having entered a settlement and license agreement, hereby jointly move the Court to dismiss all claims and counterclaims asserted between these two parties as follows:

(a) with prejudice as to SimpleAir’s right to assert any such claims in the future as to the products licensed under the parties’ settlement and license agreement;

(b) with prejudice as to AWS Convergence’s right to assert any such counterclaims in the future, except as provided by the parties’ settlement and license agreement; and

(c) without prejudice as to all other claims or counterclaims, as provided by the parties’ settlement agreement.

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,

By: /s/ Jeff Eichmann
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practice in the Eastern District of Texas*)
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PROSKAUER

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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 7th day of February, 2011.

/s/ Jeff Eichmann
John Jeffrey Eichmann