

**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 MHS

**JOINT MOTION TO DISMISS**

Plaintiff SimpleAir, Inc. and Defendant Apple Inc. have finalized documentation of their settlement, entering a confidential Settlement and License Agreement dated May 16, 2012. Pursuant to Federal Rule of Civil Procedure 41(a)(2) and the parties' agreement, the parties jointly move for an order dismissing with prejudice all claims and counterclaims asserted between them. The parties further move that all costs and attorneys fee shall be borne by the party that incurred them and that this Court retain jurisdiction to enforce, interpret, or resolve any dispute arising out of or relating in any way to these parties' Settlement and License Agreement.

A proposed order is attached.

Dated: May 24, 2012

Respectfully submitted,

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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 24<sup>th</sup> day of May, 2012.

/s/ Jeff Eichmann  
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