

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

SIMPLEAIR, INC.,

Plaintiff,

v.

AWS CONVERGENCE TECHNOLOGIES,  
INC.; THE WEATHER CHANNEL  
INTERACTIVE, INC.; APPLE, INC.;  
RESEARCH IN MOTION CORPORATION;  
RESEARCH IN MOTION LIMITED;  
FACEBOOK, INC.; ESPN, INC.; DISNEY  
ONLINE; THE WALT DISNEY COMPANY;  
ABC, INC.; HANDANGO, INC.; AND  
HANDMARK, INC.,

Defendants.

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

**JOINT MOTION FOR DISMISSAL WITHOUT PREJUDICE**

Plaintiff SimpleAir, Inc. (“SimpleAir”) and Defendant Handango, Inc. (“Handango”) jointly file this Motion for Dismissal without Prejudice. SimpleAir has agreed to dismiss all claims asserted against Handango in this case without prejudice, and Handango has agreed to dismiss all counterclaims asserted against SimpleAir without prejudice. Accordingly, pursuant to Federal Rule of Civil Procedure 41(a)(1), SimpleAir and Handango jointly move the Court to dismiss without prejudice all of the claims asserted against each other in this case. These parties stipulate that they shall bear their own attorneys’ fees, expenses, and costs. A proposed order granting the dismissal is attached.

Dated: April 14, 2010

Respectfully submitted,

By: /s/ Jeff Eichmann

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HANDANGO, 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 14<sup>th</sup> day of April, 2010.

/s/ Jeff Eichmann  
John Jeffrey Eichmann