

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

|   |   |                     |
|---|---|---------------------|
| KLAUSNER TECHNOLOGIES, INC.,<br>a New York corporation,   | § |                     |
|   | § |                     |
| Plaintiff,  | § | Case No. 6-08cv-341 |
|   | § |                     |
| vs.   | § | (JURY TRIAL)        |
|   | § |                     |
| Verizon Wireless (Cellco Partnership d/b/a<br>Verizon Wireless), a Delaware general<br>partnership; Verizon Data Services LLC, a<br>Delaware limited liability company; Bell Atlantic<br>Communications, Inc., a Delaware corporation;<br>Citrix Systems, Inc., a Delaware corporation;<br>Comverse, Inc., a Delaware corporation; Cox<br>Communications, Inc., a Delaware corporation;<br>Embarq Communications, Inc., a Delaware<br>corporation; Google Inc., a Delaware corporation;<br>GrandCentral Communications, Inc., a Delaware<br>corporation; LG Electronics Mobilecomm U.S.A.,<br>Inc., a California Corporation; PhoneFusion, Inc.,<br>a Delaware corporation; RingCentral, Inc., a<br>California Corporation, | § |                     |
|   | § |                     |
| Defendants.   | § |                     |

**AGREED MOTION TO DISMISS**

NOW COMES the Plaintiff Klausner Technologies, Inc., on the one hand, and Defendants Google, Inc. and GrandCentral Communications, Inc. (collectively “Google”), on the other hand, and respectfully move the Court to dismiss this cause of action between them, and in support thereof would respectfully show the Court as follows:

All matters in controversy between Klausner Technologies, Inc. and Google have been settled and compromised, and these parties therefore jointly move to dismiss all causes of action asserted or which could have been asserted in this suit, with prejudice to the right to pursue any

such claims in the future. These parties further move that all costs of court be assessed against the party who incurred them.

WHEREFORE, PREMISES CONSIDERED, these parties jointly pray that this action be dismissed with prejudice between them, with all costs of court being assessed against the party who incurred them.

Dated: March 6, 2009

Respectfully submitted,

By: /s/ Elizabeth L. DeRieux

S. Calvin Capshaw  
State Bar No. 03783900  
Elizabeth L. DeRieux  
State Bar No. 05770585  
Brown McCarroll, L.L.P.  
1127 Judson Road, Suite 220  
Longview, TX 75601  
Telephone: (903) 236-9800  
Facsimile: (903) 236-8787  
Email: [ccapshaw@mailbmc.com](mailto:ccapshaw@mailbmc.com)  
Email: [ederieux@mailbmc.com](mailto:ederieux@mailbmc.com)

Gregory S. Dovel  
State Bar No. 135387  
Sean A. Luner  
State Bar No. 165443  
Dovel & Luner, LLP  
201 Santa Monica Blvd., Suite 600  
Santa Monica, CA 90401  
Telephone: 310-656-7066  
Facsimile: 310-657-7069  
Email: [greg@dovellaw.com](mailto:greg@dovellaw.com)

ATTORNEYS FOR PLAINTIFF,  
KLAUSNER TECHNOLOGIES, INC.

**CERTIFICATE OF SERVICE**

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served this 6th day of March, 2009, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ Elizabeth L. DeRieux \_\_\_\_\_  
Elizabeth L. DeRieux