

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

UNILOC USA, INC. and
UNILOC SINGAPORE PRIVATE LIMITED,
Plaintiffs,
v.
NATIONAL INSTRUMENTS CORP. et al.,
Defendants.

Civil Action No. 6:10-CV-472-LED
JURY TRIAL DEMANDED

**UNOPPOSED MOTION TO WITHDRAW
MOTION TO DISMISS FOR IMPROPER VENUE (DOCKET NO. 60)**

Defendant Symantec Corporation (“Symantec”) files this unopposed motion to withdraw its Motion to Dismiss for Improper Venue, Pursuant to Rule 12(b)(3), Federal Rules of Civil Procedure (Dkt. No. 60) (“Motion to Dismiss”). This unopposed motion is being filed pursuant to the Stipulation Regarding Motion to Change Venue and Motion to Dismiss (“Stipulation”) filed in *Symantec Corp. et al. v. Uniloc USA, Inc. et al.*, Case No. 6:11-CV-33-LED (E.D. Tex.) as Docket No. 45 on May 10, 2011, and the Court’s order in that case dated August 8, 2011 (Docket No. 66) approving such Stipulation. Plaintiff is unopposed to the relief sought in this motion.

Accordingly, Symantec hereby moves to withdraw its Motion to Dismiss (Dkt. No. 60).

Dated: August 11, 2011

Respectfully submitted,

*/s/ Mark A. Flagel, with permission by
Michael E. Jones*

Michael E. Jones
State Bar No. 10929400
POTTER MINTON
A Professional Corporation
110 N. College, Suite 500 (75702)
Tyler, Texas 75702
(903) 597-8311
(903) 593-0846 (Facsimile)
mikejones@potterminton.com

LATHAM & WATKINS LLP
Mark A. Flagel
Yury Kapgan
Dale Chang
355 S. Grand Avenue
Los Angeles, CA 90071-1560
Tel: (213) 485-1234
Fax: (213) 891-8763
mark.flagel@lw.com
yury.kapgan@lw.com
dale.chang@lw.com

LATHAM & WATKINS LLP
Dean G. Dunlavey
650 Town Center Drive, 20th Floor
Costa Mesa, CA 92626-1925
Tel: (714) 540-1235
Fax: (714) 755-8290
dean.dunlavey@lw.com

**ATTORNEYS FOR DEFENDANT
SYMANTEC CORPORATION**

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on August 11, 2011. Any other counsel of record will be served by first class U.S. mail and/or electronic mail on this same date.

/s/ Michael E. Jones