

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

Parallel Networks, LLC,

Plaintiff,

v.

Adidas America, Inc., et al.

Defendants

No. 6:10-cv-00491-LED

Jury Trial Demanded

AGREED STIPULATION AND MOTION TO SUBSTITUTE
MOTOROLA MOBILITY, INC. FOR MOTOROLA, INC.
DUE TO A SPLIT OF MOTOROLA, INC.

Plaintiff Parallel Networks, LLC, Defendant Motorola, Inc. and Motorola Mobility, Inc. submit this agreed stipulation and motion and respectfully request that the Court substitute Motorola Mobility, Inc. for Defendant Motorola, Inc. and show the Court as follows:

1. Plaintiff's Original Complaint lists Motorola, Inc. ("Motorola") as a Defendant in this action;
2. Motorola previously represented that, while denying that there is any infringement of a valid claim of the patent-in-suit, the proper entity in interest should be Motorola, Inc. (D.I. 372);
3. Upon representation of Defendant Motorola, in early January, 2011, Motorola, Inc. split into two companies: Motorola, Inc. (which was renamed Motorola Solutions, Inc.) and Motorola Mobility Holdings, Inc. ("MMHI"). Motorola Mobility, Inc. ("MMI") is a wholly owned subsidiary of MMHI and is its main United States operating entity. Upon representation of Defendant Motorola, Motorola Solutions, Inc. and MMI are independent of each other,

including with respect to operation of separate web sites (accessible through the legacy www.motorola.com domain);

4. Upon representation of Defendant Motorola, after the split of the company, Defendant Motorola, Inc. (now known as Motorola Solutions, Inc.), is no longer the appropriate defendant for the allegations based on the complaint and infringement contentions. While denying that there is any infringement of a valid claim of the patent-in-suit, Motorola and MMI represent that the proper entity in interest should now be Motorola Mobility, Inc., the entity responsible for operation of the Motorola Mobility website;

5. Therefore, Plaintiff Parallel Networks and Defendant Motorola, Inc. hereby stipulate and request that the Court enter an order substituting Motorola Mobility, Inc. for Motorola, Inc. and that Defendant Motorola, Inc. be dismissed WITHOUT PREJUDICE, with each party to bear its own costs, expenses and attorneys fees;

6. The Parties request that the caption be reformed to reflect the proper parties, as set forth in the proposed Order accompanying this Motion;

7. Defendant Motorola does not oppose this Motion;

8. Motorola Mobility, Inc. does not oppose this Motion.

9. This Motion is not sought for the purposes of delay, but to ensure that the correct parties are properly joined to this action.

Dated: February 10, 2011

Respectfully submitted,

By: /s/ David R. Bennett
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ATTORNEYS FOR PLAINTIFF
PARALLEL NETWORKS, LLC

CERTIFICATE OF SERVICE

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served this 10th day of February, 2010, 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/ Charles Craig Tadlock

One of the Attorneys for Parallel Networks, LLC