UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

SPH AMERICA, LLC, a Virginia company,

Plaintiff,

v.

ACER, INC., a Taiwanese company; ACER AMERICA CORPORATION, a California company; AMAZON.COM, INC., a Delaware company; APPLE, INC., a California company; DELL INC., a Delaware company; FUJITSU AMERICA, INC., a California company; FUJITSU LTD., a Japanese company; FUTUREWEI TECHOLOGIES, INC., a Texas company; GENERAL DYNAMICS ITRONIX CORPORATION, a Delaware company; HEWLETT PACKARD CO., a Delaware company; HUAWEI TECHNOLOGIES CO., LTD., a Chinese company; MOTOROLA, INC., a Delaware company; NOKIA CORPORATION, a Finnish company; NOKIA INC., a Delaware company; NOVATEL WIRELESS INC., a Delaware company; NOVATEL WIRELESS SOLUTIONS, INC., a Delaware company; NOVATEL WIRELESS TECHNOLOGY, INC., a Delaware company; OPTION NV, a Belgian company; OPTION WIRELESS USA, INC., a Delaware company; PALM,, INC., a Delaware company; PANASONIC CORPORATION, a Japanese company; PANASONIC CORPORATION OF NORTH AMERICA, a Delaware company; PERSONAL COMMUNICATIONS DEVICES, LLC, a Delaware company; PERSONAL COMMUNICATIONS DEVICES HOLDINGS, LLC, a Delaware company; SIERRA WIRELESS, INC., a Canadian company; SIERRA WIRELESS AMERICA, INC., a Delaware company; SONY CORPORATION, a Japanese

Case No.: 3:09-cv-02535-JAH-AJB

JURY TRIAL DEMANDED

ORDER GRANTING JOINT MOTION TO DISMISS APPLE INC. WITH PREJUDICE PURSUANT TO FED. R. CIV. P. 41(a)(2)

company; SONY CORPORATION OF AMERICA, a New York company; SONY ELECTRONICS INC., a Delaware company; SONY ERICSSON MOBILE COMMUNICATIONS AB, a Swedish company; SONY ERICSSON MOBILE COMMUNICATIONS (USA) INC., a Delaware company; UTSTARCOM, INC., a Delaware company; ZTE CORPORATION, a Chinese company; and ZTE (USA) INC., a New Jersey company,

Defendants.

APPLE INC., a California company,

Counterclaimant,

v.

SPH AMERICA, LLC, a Virginia company,

Counterdefendant.

Having considered the Joint Motion between Plaintiff SPH America, LLC ("SPH America") and Defendant Apple Inc. ("Apple"), it is hereby ordered that pursuant to Federal Rules of Civil Procedure 41(a)(2):

(1) All claims that SPH America asserts against Apple in the above-captioned action are dismissed with prejudice;

(2) All claims or counterclaims that Apple asserts against SPH America in the above-captioned action are dismissed with prejudice; and

(3) SPH America and Apple shall bear their own costs and attorneys' fees.

IT IS SO ORDERED.

Dated: January 13, 2010

JOHN A. HOUSTON
UNITED STATES DISTRICT JUDGE