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ZTE (USA) INC.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

SPH AMERICA, LLC, Plaintiff, vs. ZTE (USA), Inc., Defendant.	Case No. 3:13-cv-02326-CAB-NLS

JOINT MOTION FOR DISMISSAL WITHOUT PREJUDICE

Pursuant to Fed. R. Civ. P. 41(a)(2), Defendant ZTE (USA) Inc. ("ZTE"), and SPH America LLC ("SPH") jointly move to dismiss SPH's complaint against ZTE, and all counterclaims brought by ZTE without prejudice to reinstate and with no award of fees or costs, pursuant to ZTE's agreement that it will not assert that this dismissal precludes or otherwise bars any possible future suit by SPH against ZTE, including a suit involving any of the same patents or claims underlying the instant action.

Dated: April 28, 2016

Respectfully submitted,

By: /s/ Brian D. Ledahl

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CERTIFICATE OF SERVICE

I certify that this document was filed electronically pursuant to Civ LR 504 on January 17, 2014 using the Court's CM/ECF system, which shall send notifications of such filing (NEF) to all counsel of record in this case. This electronic filing acts to electronically serve all counsel of record, who are deemed to have consented to electronic service via the Court's CM/ECF system pursuant to Civ LR 5.4(d). Any counsel of record who have not consented to electronic service through the Court's CM/ECF system will be served by electronic mail, first class mail, facsimile and/or overnight delivery.

Dated: April 28, 2016

/s/ Steven A. Moore
Steven A. Moore