UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

SPH AMERICA, LLC,

Plaintiff,

vs.

ZTE CORPORATION and ZTE (USA), Inc.,

Defendants.

Case No. 3:13-cv-02326-CAB-KSC

ORDER GRANTING JOINT MOTION TO DISMISS WITHOUT PREJUDICE

[Doc. No. 145]

Upon consideration of Defendant ZTE (USA) Inc. ("ZTE"), and SPH America LLC ("SPH")'s joint motion to dismiss without prejudice, it is hereby **ORDERED** that the motion is **GRANTED**. SPH's complaint against ZTE, and all counterclaims brought by ZTE are therefore **DISMISSED WITHOUT PREJUDICE** 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.

It is **SO ORDERED.**

Dated: April 28, 2016

Hon. Cathy Ann Bencivengo
United States District Judge