IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SUMMIT DATA SYSTEMS, LLC, Plaintiff, v. EMC CORPORATION, BUFFALO TECHNOLOGY (USA), INC., D-LINK SYSTEMS, INC., FUJITSU AMERICA, INC., INFORTREND CORPORATION, NETAPP, INC., NETGEAR, INC., HITACHI DATA SYSTEMS CORPORATION and QNAP, INC., Defendants.	C.A. No. 10-749-GMS JURY TRIAL DEMANDED

MOTION FOR DISMISSAL WITH PREJUDICE OF
ALL CLAIMS ASSERTED AGAINST DEFENDANT NETAPP, INC.

Pursuant to Fed. R. Civ. P. 41(a)(2), Plaintiff Summit Data Systems, LLC ("Summit") hereby moves for the dismissal with prejudice of all claims asserted against Defendant Netapp, Inc. ("Netapp"). The remaining claims asserted in this action are the claims for infringement by Summit and Netapp's claims for a declaratory judgment of invalidity and non-infringement, which are rendered moot by the dismissal of Summit's claims.

WHEREFORE, Plaintiff Summit hereby requests that this Court enter an order dismissing Summit's claims against Netapp with prejudice, and dismissing Netapp's claims against Summit as moot.

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