AO 120 (Rev. 3/04)

TO:	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Delaware on the following X Patents or Trademarks:

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
10cv749	9/1/10	DISTRICT OF DELAWARE

PLAINTIFF	DEFENDANT
Summit Data Systems LLC	EMC Corporation et al

	PATENT OR	DATE OF PATENT	HOLDER OF PATENT OR TRADEMARK
1	7,392,291 B2	06/24/2008	Applied Micro Circuits Corporation
2	7,428,581 B2	09/23/2008	Applied Micro Circuits Corporation
3			
4			

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		
2		
3		
4		
5		

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT
Dismissed — See Attached

CLERK	(BY) DEPUTY CLERK	DATE
John A Cerino, Clerk United States District Court 844 N. King Street, Unit 18 Wilmington, DE 19801		9/26/2014

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

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

ORDER OF DISMISSAL AND PERMISSION TO FILE A REQUEST FOR COSTS AND ATTORNEYS' FEES

The motion of Plaintiff Summit Data Systems, LLC for dismissal with prejudice of its patent infringement claims pursuant to Federal Rule of Civil Procedure 41(a)(2), having been presented to this Court, and NetApp having requested as a condition of the dismissal that it be permitted to request attorneys' fees and costs; the parties having been given an opportunity to be heard and for good cause shown;

IT IS HEREBY ORDERED, that, pursuant to Rule 41(a)(2), Summit's patent infringement claims are dismissed with prejudice against NetApp on the condition that NetApp may request attorneys' fees and costs and that NetApp's declaratory judgment claims are dismissed as moot. Accordingly, NetApp shall submit its opening brief on its application for attorneys' fees and costs on January 29, 2013. Summit shall submit its answering brief on February 19, 2013. NetApp will submit its reply brief on

March 1, 2013. The Court will advise the parties if argument is required. The case scheduling order in this matter is vacated.

IT IS SO ORDERED this 17th day of Jan, 2013

The Honorable Gregory M. Sleet
United States District Court Judge