

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS**

In Re Innovatio IP Ventures, LLC, Patent Litigation	Case No. 1:11-cv-09308
This Document Relates To:	Judge James F. Holderman Magistrate Judge Sidney Schenkier
All Cases	

**AGREED MOTION TO DISMISS HEWLETT-PACKARD COMPANY**

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the terms of a separate agreement, Hewlett-Packard Company (“HP”) and Innovatio IP Ventures, LLC (“Innovatio”) have agreed to settle, adjust and compromise all claims in the above-captioned actions, including Case Nos. 1:11-cv-09308 (consolidated) and 1:12-cv-2773 (originally 12-cv-1076 (N.D. Cal.)). The parties, therefore, move this Court to dismiss (1) all claims, cross-claims, and counterclaims made by Innovatio against HP in any of those actions with prejudice to the re-filing of same; (2) all claims and counterclaims made by Innovatio against HP customers in any of the actions consolidated in Case No. 1:11-cv-09308 (including, but not limited to 1:11-cv-1638<sup>1</sup>) based on their making (including using any apparatus or practicing any method in making), using, selling, offering for sale, leasing, exporting, importing, or otherwise disposing of any HP product or any combination of HP product with one or more items, with prejudice to re-filing of same; (3) all claims and counterclaims made by HP against Innovatio with respect to non-infringement, license, and patent exhaustion as to the HP products accused in any of those actions, with prejudice to the re-filing of same; and (4) all claims and counterclaims made by HP against Innovatio with respect to invalidity in any of those actions without prejudice to the re-filing of

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<sup>1</sup> Separate motions to dismiss will be filed for such customers in the appropriate customer actions.

same. Moreover, as a result of this agreement, HP's pending motion for leave to file an amended complaint [Dkt No. 980] is now moot.

Each party has agreed to bear all costs and expenses relating to this litigation (including attorney and expert fees and expenses).

A proposed Order accompanies this motion.

Dated: February 26, 2014

/s/ Ronald H. Spuhler

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**CERTIFICATE OF SERVICE**

I hereby certify that on February 26, 2014 a true and correct copy of the foregoing **AGREED MOTION TO DISMISS HEWLETT-PACKARD COMPANY** was electronically filed with the Court via the CM/ECF system which sent notification of such filing to all Counsel of Record.

Dated: **February 26, 2014**

*/s/ Ronald H. Spuhler*

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