

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS**

In re Innovatio IP Ventures, LLC, Patent  
Litigation

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Case No. 1:11-cv-09308

This Document Relates To:

Judge James F. Holderman  
Magistrate Judge Sidney Schenkier

All Cases

**AGREED MOTION TO DISMISS WITH PREJUDICE**

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the terms of a separate agreement, NETGEAR, Inc. (“NETGEAR”) and Defendants Innovatio IP Ventures, LLC, Innovatio Management, LLC, and Noel B. Whitley (collectively, “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-00427 (originally 1:11-cv-01139 (D. Del.)). The parties, therefore, move this Court to dismiss all claims and counterclaims by NETGEAR against Innovatio and by Innovatio against NETGEAR made in any of those actions with prejudice to the re-filing of same. The parties also move this Court to dismiss all claims made by Innovatio against NETGEAR customers in any of the actions consolidated in Case No. 1:11-cv-09308 (including, but not limited to, 1:12-cv-00427) 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 NETGEAR product or any combination of a NETGEAR product with one or more other items, with prejudice to the re-filing of same.

The parties further move the Court to order that all costs and expenses relating to this litigation (including attorney and expert fees and expenses) shall be borne solely by the party incurring same.

A proposed Order is attached as Exhibit A.

AGREED:

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NETGEAR, INC.

**CERTIFICATE OF SERVICE**

I hereby certify that on February 7, 2014 a true and correct copy of the foregoing **AGREED MOTION TO DISMISS WITH PREJUDICE** was electronically filed with the Court via the CM/ECF system which sent notification of such filing to all Counsel of Record.

Dated: **February 7, 2014**

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# **EXHIBIT A**

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS**

In re Innovatio IP Ventures, LLC, Patent  
Litigation

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Case No. 1:11-cv-09308

This Document Relates To:

Judge James F. Holderman  
Magistrate Judge Sidney Schenkier

All Cases

**[PROPOSED] ORDER OF DISMISSAL WITH PREJUDICE**

On this day, NETGEAR, Inc. (“NETGEAR”) and Innovatio IP Ventures, LLC, Innovatio Management, LLC, and Noel B. Whitley (collectively, “Innovatio”) announced to the Court that they have settled their respective claims for relief asserted in the above-captioned actions. The Court, having considered this request, is of the opinion that their request for dismissal should be GRANTED.

IT IS THEREFORE ORDERED that all claims and counterclaims by NETGEAR against Innovatio and by Innovatio against NETGEAR in the above-captioned actions, including Case Nos. 1:11-cv-09308 (consolidated) and 1-12-cv-00427 (originally 1:11-cv-01139 (D. Del.)), are dismissed, with prejudice to the re-filing of same.

IT IS FURTHER ORDERED that all claims by Innovatio against NETGEAR customers in any of the actions consolidated in Case No. 1:11-cv-09308 (including, but not limited to, 1:12-cv-00427) 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 NETGEAR product or any combination of a NETGEAR product with one or more other items, are dismissed, with prejudice to the re-filing of same.

IT IS FURTHER ORDERED that all attorneys' fees, costs of court and expenses shall be borne by the party incurring the same.

This is a final judgment.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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JUDGE JAMES F. HOLDERMAN  
UNITED STATES DISTRICT JUDGE