

**UNITED STATES DISTRICT COURT
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 WITH PREJUDICE

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the terms of a separate agreement, Cisco Systems, Inc. (“Cisco”) 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 1:11-cv-09309 (originally 1:11-cv-00425 (D. Del.)). The parties, therefore, move this Court to dismiss all claims and counterclaims by Cisco against Innovatio and by Innovatio against Cisco 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 Cisco customers in any of the actions consolidated in Case No. 1:11-cv-09308 (including, but not limited to, 1:11-cv-09309) 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 Cisco product or any combination of a Cisco 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:

/s/ Matthew G. McAndrews

Matthew G. McAndrews
Raymond P. Niro, Jr.
Brian E. Haan
Gabriel I. Opatken
NIRO, HALLER & NIRO
181 West Madison St., Suite 4600
Chicago, Illinois 60602
Telephone: (312) 236-0733
E-mail: mmcandrews@nshn.com
E-mail: rnirojr@nshn.com
E-mail: bhaan@nshn.com
E-mail: gopatken@nshn.com

Thomas J. Wimbiscus
Gregory C. Schodde
Peter J. McAndrews
Ronald H. Spuhler
Shawn L. Peterson
McANDREWS, HELD & MALLOY, LTD.
500 West Madison St., Suite 3400
Chicago, Illinois 60661
Telephone: (312) 775-8000
E-mail: twimbiscus@mcandrews-ip.com
E-mail: gschodde@mcandrews-ip.com
E-mail: pmcandrews@mcandrews-ip.com
E-mail: rspuhler@mcandrews-ip.com
E-mail: speterson@mcandrews-ip.com

Attorneys for Plaintiff,
INNOVATIO IP VENTURES, LLC

/s/ Steven M. Cherny

Steven M. Cherny
KIRKLAND & ELLIS LLP
601 Lexington Avenue
New York, NY 10169
212.446.4800 (Telephone)
212.446.4900 (Facsimile)
Steven.cherny@kirkland.com

Michael W. De Vries
KIRKLAND & ELLIS LLP
333 South Hope Street
Los Angeles, California 90071
213.680.8400 (Telephone)
michael.devries@kirkland.com

Adam R. Alper (Pro Hac Vice)
KIRKLAND & ELLIS LLP
555 California Street
San Francisco, CA 94104
415.439.1400 (Telephone)
415.439.1500 (Facsimile)
adam.alper@kirkland.com

Gianni Cutri
KIRKLAND & ELLIS LLP
300 North LaSalle
Chicago, Illinois 60654
312.862.2000 (Telephone)
312.862.2200 (Facsimile)
gianni.cutri@kirkland.com

*Attorneys for Defendant and
Declaratory Judgment Plaintiff,*
CISCO SYSTEMS, INC.

CERTIFICATE OF SERVICE

I hereby certify that on February 6, 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 6, 2014**

/s/ Steven M. Cherny
Steven M. Cherny
KIRKLAND & ELLIS LLP
601 Lexington Avenue
New York, NY 10169
212.446.4800 (Telephone)
212.446.4900 (Facsimile)
Steven.cherny@kirkland.com

EXHIBIT A

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[PROPOSED] ORDER OF DISMISSAL WITH PREJUDICE

On this day, Cisco Systems, Inc. (“Cisco”) 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 Cisco against Innovatio and by Innovatio against Cisco in the above-captioned actions, including Case Nos. 1:11-cv-09308 (consolidated) and 1:11-cv-09309 (originally 1:11-cv-00425 (D. Del.)), are dismissed, with prejudice to the re-filing of same.

IT IS FURTHER ORDERED that all claims by Innovatio against Cisco customers in any of the actions consolidated in Case No. 1:11-cv-09308 (including, but not limited to, 1:11-cv-09309) 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 Cisco product or any combination of a Cisco 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.

JUDGE JAMES F. HOLDERMAN
UNITED STATES DISTRICT JUDGE