

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

PERSONALWEB TECHNOLOGIES, LLC.	§	
AND LEVEL 3 COMMUNICATIONS, LLC,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	Civil Action No. 6:12-cv-00659 (LED)
	§	
	§	JURY TRIAL DEMANDED
	§	
RACKSPACE US, INC. AND	§	
RACKSPACE HOSTING, INC., <i>ET AL.</i>	§	
	§	
Defendants.	§	

---

**JOINT STIPULATION OF DISMISSAL WITH PREJUDICE AS TO DEFENDANTS**

**RACKSPACE US, INC. AND RACKSPACE HOSTING, INC. ONLY**

Plaintiffs PersonalWeb Technologies LLC and Level 3 Communications, LLC and Defendants Rackspace US, Inc. and Rackspace Hosting, Inc. (collectively, the “Rackspace Defendants”) have reached an amicable settlement of the disputes raised in this action.

In accordance therewith, Plaintiffs PersonalWeb Technologies LLC and Level 3 Communications, LLC have agreed to dismiss this action as to only the Rackspace Defendants with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii). This Joint Stipulation does not affect the ongoing action against Defendant GitHub (which is currently stayed).

NOW, THEREFORE, IT IS HEREBY STIPULATED, by and among Plaintiffs PersonalWeb Technologies LLC and Level 3 Communications LLC and Defendants Rackspace US, Inc. and Rackspace Hosting, Inc., that all claims in the above-captioned action against Defendants Rackspace US, Inc. and Rackspace Hosting, Inc., only shall, in accordance with the

following Order of Dismissal, be dismissed with prejudice and that each party shall bear its own costs, expenses and attorneys' fees.

So Stipulated

DATED: October 16, 2014

Respectfully submitted,

/s/ Lawrence M. Hadley

**McKOOL SMITH, P.C.**

Samuel F. Baxter

*Lead Attorney*

Texas State Bar No. 01938000

sbaxter@mckoolsmith.com

McKool Smith, P.C.

104 East Houston Street, Suite 300

Marshall, Texas 75670

Telephone: (903) 923-9000

Telecopier: (903) 923-9099

**McKOOL SMITH HENNIGAN, P.C.**

Lawrence M. Hadley

California State Bar No. 157728

lhadley@mckoolsmithhennigan.com

865 South Figueroa Street, Suite 2900

Los Angeles, CA 90017

Telephone: (213) 694-1200

Telecopier: (213) 694-1234

**Attorneys For Plaintiff PersonalWeb  
Technologies, Llc**

David D. Wier

David.Wier@Level3.com

/s/ David Wier

David Wier

**Attorneys for Plaintiff Level 3  
Communications LLC**

/s/ Paul V. Storm

Paul V. Storm

Texas State Bar No. 19325350

Sarah M. Paxson

Texas State Bar No. 24032826

GARDERE WYNNE SEWELL LLP

1601 Elm Street, Suite 3000

Dallas, Texas 75201

Telephone: (214) 999-3000

Facsimile: (214) 999-4667

pvstorm@gardere.com

spaxson@gardere.com

***Counsel for Rackspace US, Inc. and  
Rackspace Hosting, Inc.***

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a) on October 16, 2014. As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A).

/s/ Lawrence M. Hadley  
Lawrence M. Hadley

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

PERSONALWEB TECHNOLOGIES, LLC.	§	
AND LEVEL 3 COMMUNICATIONS, LLC,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	Civil Action No. 6:12-cv-00659 (LED)
	§	
RACKSPACE US, INC. AND	§	JURY TRIAL DEMANDED
RACKSPACE HOSTING, INC., <i>ET AL.</i>	§	
	§	
Defendants.	§	
	§	
	§	

---

**ORDER OF DISMISSAL WITH PREJUDICE AS TO DEFENDANTS RACKSPACE US,  
INC. AND RACKSPACE HOSTING, INC. ONLY**

Pursuant to the Stipulation of Dismissal by and among Plaintiffs PersonalWeb Technologies LLC and Level 3 Communications LLC and Defendants Rackspace US, Inc. and Rackspace Hosting, Inc.;

**IT IS HEREBY ORDERED THAT:**

Pursuant to Federal Rule of Civil Procedure 41(a)(2), all claims in the above-captioned action against Rackspace US, Inc. and Rackspace Hosting, Inc. only are dismissed with prejudice. This Order does not affect the ongoing action against Defendant GitHub (which is currently stayed).

Each party shall bear its own costs, expenses, and attorneys' fees.

**SO ORDERED.**