

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**JOAO CONTROL & MONITORING  
SYSTEMS, LLC,**

Plaintiff,

v.

**COX COMMUNICATIONS INC.,**

Defendant.

CASE NO. 1:14-CV-520-GMS

**Jury Trial Demanded**

**STIPULATION AND [PROPOSED] ORDER OF DISMISSAL OF COX  
COMMUNICATIONS INC. AND  
SUBSTITUTION OF COXCOM, LLC**

Plaintiff Joao Control & Monitoring Systems, LLC ("JCMS") and Defendant Cox Communications Inc. submit the following Stipulation of Dismissal of Cox Communications Inc. and Substitution of CoxCom, LLC, and in support thereof state:

WHEREAS, on August 13, 2014, Plaintiff JCMS filed its First Amended Complaint for Patent Infringement (D.I. 5) against Cox Communications Inc. alleging infringement of U.S. Patent Nos. 6,542,076; 6,549,130; 6,587,046; 7,277,010 and 7,397,363;

WHEREAS, the parties are interested in substituting CoxCom, LLC in place of Defendant Cox Communications Inc.; and

WHEREAS, Cox Communications Inc. represents and warrants that:

1. Cox Communications Inc. is a holding company that does not make, market, advertise, sell, offer for sale, or otherwise provide any goods or services of any kind to the

public, anywhere, including any of the products and services accused of infringement in the Complaint (*see* D.I. 5).

2. Cox Communications Inc. is separate and distinct from other Cox entities, including Cox's operating subsidiaries. Cox Communications Inc. observes all corporate formalities, including having its own board of directors and its own officers.

3. Cox Communications Inc. agrees that for purposes of discovery in this case, any relevant, responsive, non-privileged documents and information in the possession, custody or control of Cox Communications Inc., if any, are deemed also to be in the possession, custody and control of CoxCom, LLC. CoxCom, LLC will not object to a request for a deposition on the grounds that the prospective deponent is an employee of Cox Communications Inc. (though nothing in this stipulation prevents CoxCom, LLC from objecting to a deposition on other grounds).

4. To the extent that any judgment is awarded against CoxCom, LLC in this case, CoxCom, LLC will be able to satisfy any such judgment, if any. Cox Communications Inc. and CoxCom, LLC each warrants and represents that it will not take any action that will cause CoxCom, LLC to be unable to fully satisfy any judgment entered in this case.

NOW THEREFORE, in reliance upon the representations and warranties made above, it is hereby stipulated by the parties, subject to the approval of the Court, that:

1. JCMS hereby dismisses Cox Communications Inc. without prejudice, as allowed under Rule 41(a)(2) of the Federal Rules of Civil Procedure;

2. The Complaint filed in the above captioned matter at D.I. 5 is hereby amended to substitute CoxCom, LLC as the defendant in place of Cox Communications Inc.;

3. The Complainant's allegations concerning Cox Communications Inc. shall be deemed to be directed to CoxCom, LLC, except that the allegations contained in Paragraph 3 are deemed to be deleted and replaced with a new Paragraph 3, which is as follows:

4. JCMS has not released, and nothing in this Stipulation should be construed as a release or discharge of, any claim JCMS has or may have in the future against any defendant named in this action or any other asserted infringer of the patents-in-suit. All other rights have been expressly reserved;

6. CoxCom, LLC shall respond to the Complaint in this action.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

Plaintiff,

COXCOM, LLC,

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) Civil Action No. 1:14-cv-520-GMS  
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Dated: October 7, 2014

**STAMOULIS & WEINBLATT LLC**

/s/Stamatios Stamoulis

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**Attorneys for Plaintiff Joao Control &  
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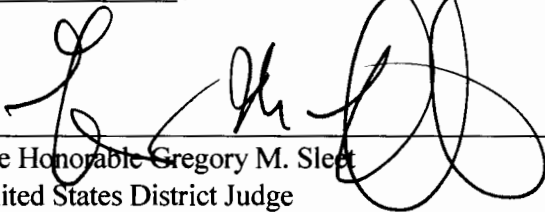
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**Attorneys for Defendant Cox  
Communications Inc.**

IT IS SO ORDERED, this 7<sup>th</sup> day of Oct, 2014.

  
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The Honorable Gregory M. Sleet  
United States District Judge