UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

ACER AMERICA CORPORATION, APPLE INC., DELL INC., and GATEWAY, INC. Plaintiffs, v. WI-LAN, INC., Defendant.	CASE NO. 2:09-CV-00324 Hon. T. John Ward

NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE BY APPLE INC. PURSUANT TO FED. R. CIV. P. 41(a)(1)(A)(i)

TO THE COURT, THE PARTIES, AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), and in light of Apple Inc.'s identical counterclaims in *Wi-LAN, Inc. v Acer, Inc., et al.* (Civil Action No. 2:07-CV-473[TJW]), consolidated with: *Wi-LAN, Inc. v. Westell Technologies, Inc.*, *et al.* (Civil Action No. 2:07-CV-474[TJW)], Apple Inc. hereby voluntarily dismisses its claims in this action without prejudice.

DATED: November 12, 2009

Respectfully submitted,

By: /s/ Mark C. Scarsi

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that counsel of record who are deemed to have consented to electronic service are being served with a copy of this **NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE BY APPLE INC. PURSUANT TO FED. R. CIV. P. 41(a)(1)(A)(i)**, via the Court's CM/ECF system per Local Rule CV-5(a)(3).

Dated: November 12, 2009

/s/ Mark C. Scarsi

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