

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

BROADCOM CORPORATION, et al.,)	
)	
Plaintiff,)	Case No. 2:09-CV-322-TJW
)	
v.)	
)	JURY TRIAL REQUESTED
WI-LAN INC.,)	
)	
Defendant.)	
_____)	

NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE
UNDER RULE 41(a)(1)(A)(i) OF THE FEDERAL RULES OF CIVIL PROCEDURE

PLEASE TAKE NOTICE THAT Plaintiff Atheros Communications Inc. (“Atheros”) hereby voluntarily dismisses its Complaint for Declaratory Judgment against Defendant Wi-LAN, Inc. (“Wi-LAN”) in *Broadcom Corp., et al. v. Wi-LAN, Inc.* (E.D. Tex. Case No. 2:09-CV-322), without prejudice pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure. In accordance with Rule 41(a)(1)(A)(i), Atheros states that this Notice has been filed prior to service by Wi-LAN of an answer or of a motion for summary judgment.

Dated: November 12, 2009

Respectfully submitted,

/s/ Rickey L. Faulkner
Rickey L. Faulkner (Bar No. 06857095)
Law Office of Rickey L. Faulkner, P.C.
P. O. Box 3367
Longview, Texas 75606-3367
(903) 248-8246 Telephone
(903) 248-8249 Facsimile
Email: rick@faulknerlawoffice.com

Counsel for Defendant
Atheros Communications, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 12th day of November, 2009, all 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 Under Rule 41(a)(1)(A)(i) Of The Federal Rules Of Civil Procedure via the Court's CM/ECF system per Local Rule CV-5(a)(3) the 12th day of November, 2009. Any other counsel of record will be served by facsimile transmission and/or first class mail.

/s/ Rickey L. Faulkner
Rickey L. Faulkner

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

BROADCOM CORPORATION, et al.,)	
)	
Plaintiff,)	Case No. 2:09-CV-322-TJW
)	
v.)	
)	JURY TRIAL REQUESTED
WI-LAN INC.,)	
)	
Defendant.)	
_____)	

**ORDER ON NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE
UNDER RULE 41(a)(1)(A)(i) OF THE FEDERAL RULES OF CIVIL PROCEDURE**

The Court is in receipt of Plaintiff Atheros Communications Inc.’s (“Atheros”) Notice of Voluntary Dismissal Without Prejudice Under Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure (“the Notice”). At the time of filing of the Notice, Defendant Wi-LAN, Inc. (“Wi-LAN”) had not yet answered the Complaint for Declaratory Judgment in *Broadcom Corp., et al. v. Wi-LAN, Inc.* (E.D. Tex. Case No. 2:09-CV-322) (“the Complaint”), and had not yet moved for summary judgment.

It is therefore ORDERED, that the Complaint is dismissed without prejudice.