

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

MARVELL SEMICONDUCTOR, INC.
and MARVELL ASIA PTE., LTD.,

Plaintiffs,

v.

WI-LAN, INC.,

Defendant.

Civil Action No. 2:09-CV-00323 TJW

NOTICE OF DISMISSAL

On October 16, 2009, this action was transferred from the Northern District of California. Defendant Wi-LAN, Inc. has not yet served an answer or a motion for summary judgment. Pursuant to Fed. R. Civ. P. 41(a)(1)(A), and in light of Wi-LAN, Inc.'s agreement to not oppose a motion by Marvell Semiconductor, Inc. to plead the claims plead in this action as counterclaims in the co-pending *Wi-LAN v. Acer, Inc. et al.* action, No. 2:07-CV-473 TJW, Plaintiffs hereby file this notice of dismissal, without prejudice.

Dated: November 12, 2009

Respectfully submitted,

/s/ Lily Lim

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MARVELL SEMICONDUCTOR, INC.
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CERTIFICATE OF SERVICE

I herby certify that, on November 12, 2009, Plaintiffs, Marvell Semiconductor, Inc. and Marvell Asia Pte., Ltd.'s Notice of Dismissal was served upon counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by first class U.S. mail on this same date.

/s/ Lily Lim

Lily Lim