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

CELERITY IP, LLC, ASUS TECHNOLOGY LICENSING INC., AND INNOVATIVE SONIC LTD., **Plaintiffs,** v. **AT&T CORP.**, **AT&T MOBILITY LLC, AT&T MOBILITY II LLC, AT&T SERVICES, INC., CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS, T-MOBILE USA, INC. AND ERICSSON, INC.,** Defendants.	**Civil Action No.** **2:24-CV-00721-JRG-RSP** **JURY TRIAL**

NOTICE OF MOOTNESS OF DEFENDANTS' MOTIONS TO DISMISS [DKTS. 41, 42]

Defendants filed Motions to Dismiss the Unfair Competition and Antitrust claims in Plaintiffs' Amended Complaint. Dkts. 41, 42. Concurrent with this notice, Plaintiffs are filing a Motion for Leave to file a Second Amended Complaint withdrawing all unfair competition, antitrust, and tortious interference claims with prejudice (Counts I-V). These reflect all the claims that are the subjects of the motion to dismiss. Plaintiffs are taking this step to ensure that there is no question that Defendants' joint defense of the infringement action creates collateral liability that may impair their ability to defend the claims.

As part of this motion, Plaintiffs seek to add a claim for Declaratory Judgment that the Plaintiffs have complied with their obligations to certain standards setting organizations (SSOs) in their negotiations with Defendants and that Defendants have not. This proposed claim is a proper counter-claim to the claims brought by Defendants seeking a declaratory judgment of non-infringement on certain patents held by Plaintiffs. Defendants have brought claims against Plaintiffs in the Infringement Action for breach of SSO obligations based on the exact same negotiations that are the subject of Plaintiffs proposed claims.

DATED: December 6, 2024

/s/ Jason Sheasby
Jason Sheasby

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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been served on all counsel of record via the Court's ECF system on December 6, 2024.

/s/ N. Isabella Chestney
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