

United States District Court,  
E.D. Texas, Marshall Division.

**FENNER INVESTMENTS, LTD,**  
Plaintiff.

v.

**JUNIPER NETWORKS INC., Utstarcom, Inc., Nokia, Inc., Nortel Networks, Inc, Lucent Technology, Inc., Cicso Systems, Inc., Ericsson, Inc., Ericsson AB, Telefonaktiebolaget, LM, Ericsson and Alcatel Usa, inc,**  
Defendant.

Civil Action No. 2:05cv5

**Jan. 18, 2006.**

Robert Martin Chiaviello, Jr., Brett Christopher Govett, Karl Glenn Dial, Fulbright & Jaworski, Michael Joseph Fogarty, III, Slater & Matsil, L.L.P. Dallas, TX, D. Dudley Oldham, Stephen C. Dillard, Fulbright & Jaworski, Houston, TX, Deborah J. Race, Otis W. Carroll, Jr., Ireland Carroll & Kelley, Tyler, TX, Franklin Jones, Jr., Jones & Jones, Marshall, TX, Ivan M. Poullaos, Timothy O'Connor, Winston & Strawn, Chicago, IL, Thomas John Ward, Jr., Ward & Smith Law Firm, Longview, TX, for Plaintiff.

Babak Redjaian, David Craig McPhie, Irell & Manella, Newport Beach, CA, Harry Lee Gillam, Jr., Melissa Richards Smith, Gillam & Smith, LLP, Marshall, TX, Jennifer Parker Ainsworth, Wilson Sheehy Knowles Robertson & Cornelius PC, Tyler, TX, Jonathan S. Kagan, Morgan Chu, Irell & Manella, Los Angeles, CA, for Juniper Networks, Inc.

***REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE***

**JOHN D. LOVE, United States Magistrate Judge.**

On or about December 23, 2005, Fenner Investments, Ltd. ("Fenner") and Lucent Technologies Inc. ("Lucent") have agreed to settle all claims relating to Fenner's allegation that Lucent's Access Point Products infringe U.S. Patent No. 6, 819,670 ("the '670 Patent") arising on or before December 31, 2005.

Lucent and Fenner agreed that all of Fenner's claims against Lucent arising from Lucent's Access Point Products infringing the '670 Patent and all of Lucent's counterclaims relating to the '670 Patent should be dismissed without prejudice according to Federal Rule of Civil Procedure 41. Additionally, the parties have agreed that each party shall bear its own costs and fees in connection with these claims.

Accordingly, it is RECOMMENDED that all of Fenner's claims that Lucent's Access Point Products infringe the '670 Patent be dismissed without prejudice pursuant to the agreement reached by the parties on or about December 23, 2005.

**So ORDERED.**

E.D.Tex.,2006.

Fenner Investments, Ltd. v. Juniper Networks Inc.

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