

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

VirnetX Inc. and Science Applications  
International Corporation,

Plaintiffs,

v.

Apple Inc.,

Defendant.

Civil Action No. 6:13-cv-581

Jury Trial Demanded

**PLAINTIFF VIRNETX INC. AND PLAINTIFF SCIENCE APPLICATIONS  
INTERNATIONAL CORPORATION'S UNOPPOSED  
MOTION TO DISMISS WITHOUT PREJUDICE**

Pursuant to Federal Rule of Civil Procedure 41(a)(1), Plaintiff VirnetX Inc. and Plaintiff Science Applications International Corporation (collectively "Plaintiffs") hereby move for an order dismissing this case WITHOUT PREJUDICE. The patent at issue in this case, United States Patent No. 8,504,697 ("the '697 patent") entitled "System and Method Employing an Agile Network Protocol for Secure Communications Using Secure Domain Names" has been added to *VirnetX Inc. et al. v. Apple Inc.*, Case No. 6:12-cv-00855-LED, currently pending in this judicial district. Defendant Apple Inc. ("Apple") has not been served in this case. Counsel for Plaintiffs have conferred with Counsel for Apple, and Apple is unopposed to the relief sought in this motion.

DATED: August 28, 2013

Respectfully submitted,

**McKOOL SMITH, P.C.**

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*/s/ Andy Tindel*

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**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who have consented to electronic service on this 28th day of August, 2013. Local Rule CV-5(a)(3)(A).

/s/ Jason D. Cassady  
Jason D. Cassady

**CERTIFICATE OF CONFERENCE**

The undersigned certifies that counsel for the parties have met and conferred regarding the relief sought in this motion and that this motion is unopposed.

/s/ Jason D. Cassady  
Jason D. Cassady