

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

**Feb. 9, 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.

Scott F. Partridge, Douglas Mark Kubehl, Baker Botts LLP, Houston, TX, Elizabeth L. Derieux, Sidney Calvin Capshaw, III, Capshaw Derieux, LLP, Longview, TX, Gerald J. Flattmann, John M. Desmarais, Joseph Allen Loy, Michael Stadnick, Kirkland & Ellis, LLP, New York, NY, Ivan M. Poullaos, Timothy O'Connor, Winston & Strawn, Chicago, IL, Michael Edwin Jones, Potter Minton PC, Tyler, TX, for Cisco Systems, Inc.

### ***ORDER***

**LEONARD DAVIS, District Judge.**

The above entitled and numbered civil action was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. s. 636. The Report of the Magistrate Judge which contains his proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration. The parties have made no objections to the Report and Recommendation.

The Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the Report of the United States Magistrate Judge (Doc. 220) as the findings and conclusions of this Court.

Accordingly, all of Fenner's claims that Lucent's Access Point Products infringe U.S. Patent No. 6,819,670 are hereby **DISMISSED** without prejudice pursuant to the agreement reached by the parties on or about December 23, 2005.

E.D.Tex.,2006.

Fenner Investments, Ltd. v. Juniper Networks Inc.

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