

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

ECOFACITOR, INC.,

Plaintiff,

v.

ECOBEE, INC.,

Defendant.

Case No.: 6:21-cv-00428-ADA

LEAD CASE

ECOFACITOR, INC.,

Plaintiff,

v.

ECOBEE, INC.,

Defendant.

Case No.: 6:20-cv-00078-ADA

ORDER OF DISMISSAL WITH PREJUDICE

Before the Court is the Joint Motion to Dismiss with Prejudice filed by Plaintiff EcoFactor, Inc. and Defendant ecobee, Inc., stating that the parties have resolved all claims and counterclaims in this action. Having considered this request, and for good cause, the Court finds the Motion should be GRANTED.

IT IS THEREFORE ORDERED that all claims and counterclaims in this action are dismissed with prejudice, and without right of appeal, pursuant to Rules 41(a)(2) and 41(c) of the Federal Rules of Civil Procedure. The dismissal of this action dismisses the Court's Final Judgment in this Action (ECF 258) and any and all obligations thereunder. No obligations remain with regard to the Final Judgment.

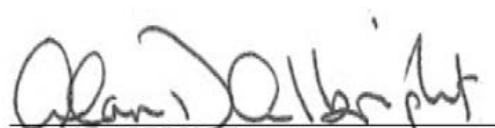
IT IS FURTHER ORDERED that EcoFactor's Bill of Costs (ECF No. 260) and its motion seeking judicial resolution relating to its Bill of Costs (ECF No. 261) are both **DENIED AS MOOT**.

IT IS FURTHER ORDERED that all other currently pending Motions are **DENIED AS MOOT** including ECF Nos. 270, 271, and 273.

IT IS FURTHER ORDERED that each party shall bear its own costs, expenses, and attorneys' fees in this action.

SO ORDERED.

Dated: 29th day of December, 2023.


ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE