

IdeaFlood Inc v. About Inc et al

Doc. 3

1 ROBERT J. YORIO (SBN #93178)
2 COLBY B. SPRINGER (SBN #214868)
3 CARR & FERRELL LLP
2200 Geng Road
4 Palo Alto, California 94303-3322
Telephone: (650) 812-3400
Facsimile: (650) 812-3444

5 Attorneys for Plaintiff and Counterdefendant, IDEAFLOOD, INC.

6 JEAN PIERRE NOGUES (SBN #84445)
7 KARIN G. PIGNANELLI (SBN #174763)
8 ERIC J. GERMAN (SBN #224557)
MITCHELL SILBERBERG & KNUPP LLP
11377 West Olympic Boulevard
Los Angeles, California 90064-1683
9 Telephone: (310) 312-2000
Facsimile: (310) 312-3100

10 BRIAN M. BUROKER
11 HUNTON & WILLIAMS LLP
12 1900 K Street NW
13 Washington, DC 20006
Telephone: (202) 955-1500
Facsimile: (202) 778-2201

14 Attorneys for Defendants and
Counterclaimants, ABOUT, INC. and
15 UNITED ONLINE, INC., MEGA WEB
16 SERVICES, INC., and MYSITE,
17 INC. IDEAFLOOD, INC.

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DISTRICT - LOS ANGELES

IDEAFLOOD

IDEAFLOOD, INC., a Nevada
corporation,
Plaintiff,

v.

ABOUT, INC., a Delaware corporation
UNITED ONLINE, INC., a Delaware
corporation, MEGA WEB SERVICES,
INC., Delaware corporation, and
MYSITE, a corporation or other
business association,

AND RELATED COUNTERCLAIM

CASE NO. CV05-RGK (FMOx)

The Honorable R. Gary Klausner

The Honorable

STIPULATED AND [PROPOSED]
ORDER RE DISMISSAL

Crtrm: 850

CV 05-3618
RGK
(FMOx)

Mitchell
Silberberg &
Knupp LLP

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Plaintiff and Counterdefendant, Ideaflood, Inc. ("Ideaflood"), and defendants and counter-claimants, About, Inc., United Online, Inc., Mega Web Service, Inc., and MySite (collectively referred to as "Defendants") hereby agree and stipulate to resolve the instant action by way of settlement:

NOW THEREFORE, IT IS HEREBY STIPULATED THAT all motions pending in this Action are hereby withdrawn, including but not limited to: Defendant About, Inc.'s January 10, 2006 Motion For Summary Judgment; Defendant About, Inc.'s January 10, 2006 Motion For Attorneys' Fees Under 35 U.S.C. §285 and 28 U.S.C. §1927; and Defendant About, Inc.'s January 17, 2006 Motion For Attorneys' Fees Under Fed. R. Civ. P. 11.

IT IS FURTHER STIPULATED THAT, pursuant to Rule 41 of the Federal Rules of Civil Procedure, this Court enter a dismissal of this Action, including all counterclaims, in its entirety and with prejudice, with the Parties to bear their own fees and costs.

Mitchell
Silberberg &
Knapp LLP

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IT IS FURTHER STIPULATED THAT the Parties further stipulate, agree and consent that the U.S. District Court for the Central District of California, and specifically that the Honorable R. Gary Klausner, or other Judge subsequently assigned by the Court, shall retain jurisdiction over all disputes between the Parties arising out of the settlement agreement including, but not limited to, interpretation and enforcement of the terms of the settlement agreement and/or entry of judgment should the need arise.

DATED: January 30, 2006

CARR & FERRELL LLP

By: Robert J. Yorio
Robert J. Yorio
Attorneys for Plaintiff and
Counterdefendant, IDEAFLOOD, INC.

DATED: January 30, 2006

MITCHELL SILBERBERG & KNUPP LLP
HUNTON & WILLIAMS LLP

By: Jean Pierre Nogués
Jean Pierre Nogués (State Bar No. 84445)
Attorneys for Defendants and
Counterclaimants ABOUT, INC. and
UNITED ONLINE, INC., MEGA WEB
SERVICES, INC., and MYSITE, INC.

IT IS SO ORDERED:

Dated: FEB - 1 2006, 2006

R. Gary Klausner
Honorable R. Gary Klausner
United States District Court Judge

SCANNED

PROOF OF SERVICE

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STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is Mitchell Silberberg & Knupp LLP, Los Angeles, California 90064-1683.

On January 30, 2006, I served the foregoing document entitled **STIPULATED AND [PROPOSED] RE DISMISSAL** on the parties in this action by placing a true copy thereof enclosed in sealed envelopes addressed as follows, and taking the action described below:

Robert Yorio, Esq.
Colby B. Springer, Esq.
Carr & Ferrell LLP
2200 Geng Road
Palo Alto, California 94303

BY PLACING FOR COLLECTION AND MAILING: I sealed and placed the envelope for collection and mailing following ordinary business practices. I am readily familiar with the firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at , Los Angeles, California 90064-1683 in the ordinary course of business.

Executed on January 30, 2006, at Los Angeles, California.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.



Constance Haft