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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KEVIN KEITHLEY, *et al.*,

No. C 03-4447 SI

Plaintiffs,

**ORDER DISMISSING DEFENDANTS'
COUNTERCLAIMS WITHOUT
PREJUDICE**

v.

HOMESTORE.COM, INC., *et al.*,

Defendants.

Pursuant to the agreement of the parties and Federal Rule of Civil Procedure 41, the Court hereby DISMISSES WITHOUT PREJUDICE defendants' counterclaims. In the event of a remand from the Federal Circuit, defendants may reinstate the counterclaims.

IT IS SO ORDERED.

Dated: March 2, 2009



SUSAN ILLSTON
United States District Judge

United States District Court
For the Northern District of California