

1 Victoria R. Nuetzel #115124
 2 Thomas G. Blomberg, Jr. #164071
 3 NUETZEL & BLOMBERG LLP
 4 2033 N. Main Street, Suite 1060
 5 Walnut Creek, CA 94596
 6 Telephone: (925) 952-4500
 7 Facsimile: (925) 952-4502

Sean Roche #635577 (MA)
 (admitted *pro hac vice*)
 VERMONSTER, LLC
 312 Stuart Street
 Boston, MA 02116
 Telephone: (617) 792-8998
 Facsimile: (617) 663-6333

6 David M. Hass #543227 (MA)
 (admitted *pro hac vice*)
 7 LAW OFFICES OF BURTON J. HASS
 8 640 Main Street
 9 Malden, MA 02148-3919
 Telephone: (781) 322-3900
 Facsimile: (781) 322-1851

Attorneys for Defendant and Counterclaimant
 VERMONSTER, LLC

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 11 **UNITED STATES DISTRICT COURT**
 12 **FOR THE DISTRICT OF NORTHERN CALIFORNIA**
 13 **SAN FRANCISCO DIVISION**

14 LYNCH MARKS, LLC,
 15 Plaintiff,

16 v.

17 VERMONSTER, LLC,
 18 Defendant.

Case No.: 05-5178 BZ

19 VERMONSTER, LLC,
 20 Counterclaimant,

21 v.

22 LYNCH MARKS, LLC,
 23 Counterdefendant.

**Joint Notice of Voluntary Dismissal of
 Complaint and Counterclaim**

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2 NOTICE IS HEREBY GIVEN that, pursuant to Federal Rule of Civil Procedure 41(a)(1),
3 Plaintiff and Counterdefendant, Lynch Marks, LLC, and Defendant and Counterclaimant,
4 Vermonster, LLC, voluntarily dismiss their respective claims and counterclaims in the above-
5 captioned case with prejudice, waiving any right to appeal, and with each party bearing its own
6 costs and attorney fees.
7

8 Respectfully submitted,

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11 _____
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Malden, MA 02148-3919
Telephone: (781) 322-3900
Facsimile: (781) 322-1851

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312 Stuart Street
Boston, MA 02116
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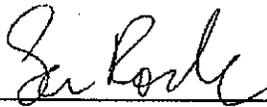
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26 Walnut Creek, CA 94596
27 Telephone: (925) 952-4500
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11 _____
Lynch Marks, LLC, by

12 Brad W. Blocker #124154
13 James W. Lucey #160808
14 CARR & FERRELL LLP
15 2200 Geng Road
16 Palo Alto, CA 94303
Telephone: (650) 812-3474
Facsimile: (650) 812-3444 Fax

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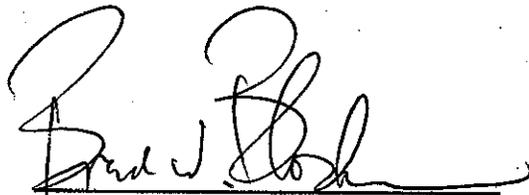
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13 (admitted *pro hac vice*)
14 LAW OFFICES OF BURTON J.
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16 640 Main Street
17 Malden, MA 02148-3919
18 Telephone: (781) 322-3900
19 Facsimile: (781) 322-1851

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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTHERN CALIFORNIA
SAN FRANCISCO DIVISION**

LYNCH MARKS, LLC,
Plaintiff,

v.

VERMONSTER, LLC,
Defendant.

Case No.: 05-5178 BZ

Order of Dismissal

VERMONSTER, LLC,
Counterclaimant,

v.

LYNCH MARKS, LLC,
Counterdefendant.

Having reviewed the Joint Notice of Voluntary Dismissal of Complaint and Counterclaim, it is ordered that Complaint and Counterclaim in the above-captioned case are dismissed with prejudice, without right to appeal, and with each party bearing its own costs and attorneys fees.

So ordered, July 18, 2006.

