

1 STEPHEN W. CUSICK, SBN 111353  
 2 scusick@nielsenhaley.com  
 3 NIELSEN HALEY & ABBOTT LLP  
 4 44 Montgomery St. Suite 750  
 5 San Francisco CA 94104  
 6 Telephone (415) 693-0900  
 7 Facsimile (415) 693-9674

8 S. ASHLIE BERINGER, SBN 263977  
 9 aberinger@gibsondunn.com  
 10 JOSHUA A. JESSEN, SBN 222831  
 11 jjessen@gibsondunn.com  
 12 GIBSON, DUNN & CRUTCHER LLP  
 13 1881 Page Mill Road  
 14 Palo Alto, CA 94304-1211  
 15 Telephone: (650) 849-5300  
 16 Facsimile: (650) 849-5333

17 Attorneys for Defendant

18 SPACE PENCIL, INC.  
 19 D/B/A KISSMETRICS

20 UNITED STATES DISTRICT COURT  
 21 NORTHERN DISTRICT OF CALIFORNIA

22 JOHN B. KIM and DAN C.  
 23 SCHUTZMAN, Individually, on Behalf  
 24 of Themselves and All Others Similarly  
 25 Situated,

26 Plaintiffs,

27 v.

28 SPACE PENCIL, INC. D/B/A  
 KISSMETRICS, et al.,

Defendants.

Case No. 3:11-cv-03796-LB

**NOTICE OF WITHDRAWAL OF  
 MOTION TO DISMISS SECOND  
 AMENDED COMPLAINT** : ORDER

Date: Sept. 20, 2012  
 Time: 10:30 A.M.  
 Place: Courtroom C (S.F.)  
 Magistrate Judge: Hon. Laurel Beeler


**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE** that Defendant Space Pencil, Inc., d/b/a  
 Kissmetrics, hereby withdraws its Motion To Dismiss Second Amended Complaint,  
 which motion is currently set for hearing on September 20, 2012. The motion is being  
 withdrawn because the parties have agreed to settle the matter.

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DATED: August 17, 2012

NIELSEN HALEY & ABBOTT LLP

By: 

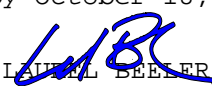
STEPHEN W. CUSICK

Attorneys for Defendant KISSMETRICS

Additional Counsel for KISSMETRICS

S. ASHLIE BERINGER, SBN 263977  
ABERINGER@GIBSONDUNN.COM  
JOSHUA A. JESSEN, SBN 222831  
JJESSEN@GIBSONDUNN.COM  
GIBSON, DUNN & CRUTCHER LLP  
1881 PAGE MILL ROAD  
PALO ALTO, CA 94304-1211  
TELEPHONE: (650) 849-5300  
FACSIMILE: (650) 849-5333

Counsel to submit dismissal papers by October 18, 2012.  
Date: August 21, 2012

  
LAUREL BEENER  
U.S. MAGISTRATE JUDGE