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5 Attorneys for Defendant/Counter-Plaintiff
 AMERICAN BLIND AND WALLPAPER
 6 FACTORY, INC.

7 UNITED STATES DISTRICT COURT
 8 NORTHERN DISTRICT OF CALIFORNIA

9 GOOGLE INC., a Delaware corporation,

10 Plaintiff,

11 v.

12 AMERICAN BLIND & WALLPAPER
 FACTORY, INC., a Delaware corporation
 13 d/b/a decoratetoday.com, Inc.; and DOES 1-
 100, inclusive,

14 Defendants.

15 AMERICAN BLIND & WALLPAPER
 FACTORY, INC., a Delaware corporation
 16 d/b/a decoratetoday.com, Inc.,

17 Counter-Plaintiff,

18 v.

19 GOOGLE INC., AMERICA ONLINE, INC.,
 20 NETSCAPE COMMUNICATIONS
 CORPORATION, COMPUSERVE
 21 INTERACTIVE SERVICES, INC., ASK
 JEEVES, INC., and EARTHLINK, INC.

22 Counter-Defendants/
 23 Third-Party Defendants.

Case No. C 03-5340-JF (RS)

**STIPULATION AND [PROPOSED]
 ORDER DISMISSING THIRD-PARTY
 COMPLAINT**

1 Pursuant to Rule 41(a)(1), the parties through their undersigned counsel hereby stipulate
2 and agree as follows:

3 American Blind and Wallpaper Factory, Inc.'s ("ABWF") third-party complaint shall be
4 dismissed without prejudice, therefore terminating this action as against America Online, Inc.,
5 Netscape Communications Corporation, CompuServe Interactive Services, Inc., Ask Jeeves, Inc.,
6 and EarthLink, Inc. (collectively, the "Third-Party Defendants"). ABWF and the Third-Party
7 Defendants shall bear their own attorneys' fees and costs incurred in this Action.

8 The action between ABWF and Google Inc. ("Google") (i.e., Google's complaint and
9 ABWF's counterclaim) is not affected by this dismissal.

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11 Dated: April 7, 2006

HOWREY LLP

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By: /s/ Robert N. Phillips
ROBERT N. PHILLIPS
ETHAN B. ANDELMAN

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Attorneys for Defendant/Counter-Plaintiff
AMERICAN BLIND AND WALLPAPER
FACTORY, INC.

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Dated: April 7, 2006

KEKER & VAN NEST LLP

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By: /s/ Michael H. Page
MICHAEL H. PAGE

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Attorneys for Plaintiff/Counter-Defendant
GOOGLE INC. and Third-Party
Defendants ASK JEEVES, INC. and
EARTHLINK, INC.

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Dated: April 7, 2006

TAYLOR & COMPANY LAW OFFICES,
INC.

By: /s/ Stephen E. Taylor
STEPHEN E. TAYLOR

Attorneys for Third-Party Defendants
AMERICA ONLINE, INC., NETSCAPE
COMMUNICATIONS CORPORATION,
and COMPUSERVE INTERACTIVE
SERVICES, INC.

ATTESTATION OF CONCURRENCE OF FILING

I, Robert N. Phillips, under penalty of perjury of the laws of the United States of America,
attest that concurrence in the filing of this document has been obtained from each of the other
signatories to this document.

/s/ Robert N. Phillips
Robert N. Phillips

IT IS SO ORDERED.

Dated: _____

Hon. Jeremy Fogel
United States District Court Judge