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1 Robert N. Phillips (SBN 120970)
Ethan B. Andelman (SBN 209101)
2 HOWREY LLP
525 Market Street, Suite 3600
3 San Francisco, CA 94105
Telephone: (415) 848-4900
4 Facsimile: (415) 848-4999

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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Dated: April 7, 2006

HOWREY LLP

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

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

Dated: April 7, 2006

KEKER & VAN NEST LLP

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

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

Ravind Singh Frewal, Esq.
Mark A. Lemley, Esq.
KEKER & VAN NEST LLP
710 Sansome Street
San Francisco, CA 94111-1704

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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: 4/27/06


Hon. Jeremy Fogel
United States District Court Judge