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PRICELINE.COM, INC.



7 UNITED STATES DISTRICT COURT  
8 NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE

10 ECOMPARE CORPORATION,

11 Plaintiff,

12 v.

13 PRICELINE.COM INCORPORATED and  
14 DOES 1 through 10, inclusive,

15 Defendants.

CASE NO. C07-00236 JW (HRL)

The Honorable James Ware

**NOTICE OF SETTLEMENT AND JOINT  
REQUEST TO REMOVE PRE-TRIAL  
CONFERENCE HEARING FROM  
CALENDAR**

**ORDER TO SHOW CAUSE RE:  
SETTLEMENT**

17  
18 The parties hereby jointly notify the Court that they have agreed to the material terms of  
19 settlement and resolution of this action in its entirety, and are currently reducing the settlement  
20 agreement to writing. Within thirty (30) days of this notice, the parties intend to file the request for  
21 dismissal of this entire action. Accordingly, the parties jointly request the Court remove from the  
22 calendar the Preliminary Pre-Trial Conference hearing, set for September 29, 2008.

23 DATED: September 22, 2008 SEDGWICK, DETERT, MORAN & ARNOLD LLP

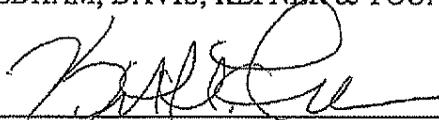
24  
25 By: /s/ James L. Nelson  
26 JACQUELINE M. JAUREGUI  
27 JAMES L. NELSON  
28 Attorneys for Defendant, Priceline.com, Inc

-1-

1 DATED: September 22, 2008

NEEDHAM, DAVIS, KEPNER & YOUNG LLP

2  
3 By:

  
BRAD JONES  
KIRSTEN FISH  
Attorneys for Plaintiff, eCompare Corporation

4  
5 \*\*\* ORDER \*\*\*

6  
7 In light of the parties' Notice of Settlement, the Court vacates all trial and  
8 pretrial dates. On or before **November 7, 2008**, the parties shall file a stipulated  
9 dismissal pursuant to Federal Rule of Civil Procedure 41(a).

10  
11 If a dismissal is not filed by the specified date, all parties shall appear in  
12 Courtroom No. 8, 4th Floor, United States District Court, 280 South First Street, San  
13 Jose, Ca. on **November 17, 2008 at 9:00 a.m.** and to show cause, if any, why the  
14 case should not be dismissed pursuant to Fed. R. Civ. P. 41(b). On or before  
15 **November 7, 2008**, the parties shall file a joint statement in response to the Order to  
16 Show Cause. The joint statement shall set forth the status of the activities of the  
17 parties for finalizing the settlement and how much additional time is requested to  
18 finalize and file the dismissal. If a voluntary dismissal is filed as ordered, the Order  
19 to Show Cause hearing will be automatically vacated.

20  
21 Failure to comply with any part of this Order will be deemed sufficient  
22 grounds to dismiss this action.

23  
24  
25 Dated: September 24, 2008

  
JAMES WARE  
United States District Judge