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9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN JOSE DIVISION**

12 EBAY INC.,

13 Plaintiff,

14 v.

15 DIGITAL POINT SOLUTIONS, INC.,
SHAWN HOGAN, KESSLER'S
16 FLYING CIRCUS, THUNDERWOOD
HOLDINGS, INC., TODD DUNNING,
17 DUNNING ENTERPRISE, INC., BRIAN
DUNNING, BRIANDUNNING.COM,
18 and DOES 1-20,

19 Defendants.

Case No. C 08-04052 JF PVT

**PLAINTIFF EBAY INC.'S NOTICE
OF WITHDRAWAL OF MOTION
FOR DISCOVERY SANCTIONS
AGAINST BRIAN DUNNING,
BRIANDUNNING.COM,
THUNDERWOOD HOLDINGS,
INC., AND KESSLER'S FLYING
CIRCUS**

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EBAY'S NOTICE OF WITHDRAWAL
OF MOTION FOR SANCTIONS
CASE NO. C 08-04052 JF PVT

1 **NOTICE OF WITHDRAWAL OF MOTION**

2 PLEASE TAKE NOTICE THAT Plaintiff eBay Inc. hereby withdraws, without
3 prejudice, its motion for discovery sanctions against defendants Brian Dunning,
4 BrianDunning.com, Thunderwood Holdings, Inc., and Kessler's Flying Circus, which was
5 scheduled to be heard on April 2, 2010, at 9:00 a.m.

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7 DATED: March 9, 2010

DAVID R. EBERHART
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9 By: /s/ David R. Eberhart
10 DAVID R. EBERHART

11 Attorneys for Plaintiff eBAY INC.
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