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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.,
 16 SHAWN HOGAN, KESSLER'S
 17 FLYING CIRCUS, THUNDERWOOD
 18 HOLDINGS, INC., TODD DUNNING,
 19 DUNNING ENTERPRISE, INC., BRIAN
 20 DUNNING, BRIANDUNNING.COM,
 21 and DOES 1-20,
 22 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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NOTICE OF WITHDRAWAL OF MOTION

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

DATED: March 9, 2010

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

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