

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 07-cv-00630-DME-MEH

NETQUOTE INC, a Colorado corporation,

Plaintiff,

v.

BRANDON BYRD, an internet user making use of the IP Addresses 64.136.27.226 and 64.136.26.227, and

MOSTCHOICE.COM, Inc., a Georgia corporation

Defendants.

**MOSTCHOICE.COM, INC.'S WITHDRAWAL OF ITS MOTION FOR
RELIEF UNDER FRCP § 56(f)**

COMES NOW, Mostchoice.com, Inc. and herein files this Withdrawal of its Motion for Relief under FRCP §56(f) and shows this Court the following:

1.

Mostchoice filed a Motion for Relief under FRCP §56(f) as part of its Response to Plaintiff's Motion for Summary Judgment as to Defendant Mostchoice.com, Inc.'s counterclaim [Dkt. #171].

2.

Mostchoice served its subpoena upon America Online as contemplated by the Order entered on December 28, 2007. (Dkt. #163).

4.

Mostchoice has recently received a reply to the Subpoena from America Online, which

indicated that it had no data responsive thereto.

5.

Because there will be no additional data or documents to obtain pursuant to said subpoena, Mostchoice no longer needs relief under FRCP § 56(f).

6.

As a consequence, Mostchoice.com, Inc. hereby withdraws its Motion [Dkt. #171].

Dated this 31ST day of January, 2008.

s/ Ryan Isenberg

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CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of January, 2008, I served the foregoing Notice of Withdrawal of Motion for Relief under FRCP 56 by electronic delivery, as an attachment to an email, to the following counsel of record:

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s/ Ryan Isenberg