

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

Civil Action No. 1:09-CV-00636-REB-KLM

VIDEO PROFESSOR, INC.

Plaintiff,

v.

AMAZON.COM, INC.

Defendant.

**UNOPPOSED MOTION TO WITHDRAW MOTION TO DECLARE CASE
EXCEPTIONAL PURSUANT TO 15 U.S.C. § 1117 AND AWARD
DEFENDANT ITS REASONABLE ATTORNEY FEES**

Defendant Amazon.com, Inc. ("Amazon") hereby files its Unopposed Motion to Withdraw Motion to Declare Case Exceptional Pursuant to 15 U.S.C. § 1117 and Award Defendant Its Reasonable Attorney Fees [#79], and in support thereof states as follows:

CERTIFICATE OF CONSULTATION

Pursuant to D.C.COLO.LCivR 7.1(A), undersigned counsel for Amazon met and conferred with counsel for VPI regarding the subject matter of this Motion. VPI does not oppose the relief requested herein.

GROUND FOR MOTION

1. On May 7, 2010, Amazon filed its Motion to Declare Case Exceptional Pursuant to 15 U.S.C. § 1117 and Award Defendant Its Reasonable Attorney Fees ("Motion for Attorney Fees"). [#79].

2. On June 1, 2010, Plaintiff Video Professor, Inc. ("VPI") filed its Response in Opposition to Amazon's Motion for Attorney Fees. [#86]. On June 18, 2010, Amazon filed its Reply to VPI's Response to Amazon's Motion for Attorney Fees. [#89].

Amazon's Motion for Attorney Fees is currently pending before this Court.

3. Amazon and VPI recently reached an agreement resolving the remaining issues in this case, including this pending motion and VPI's pending appeal before the United States Court of Appeals for the Tenth Circuit.

4. Accordingly, Amazon moves the Court to withdraw its currently pending Motion for Attorney Fees.

CONCLUSION

For each of the foregoing reasons, Amazon respectfully requests that this Court withdraw Amazon's Motion to Declare Case Exceptional Pursuant to 15 U.S.C. § 1117 and Award Defendant Its Reasonable Attorney Fees [#79]. A proposed order is submitted with this motion in accordance with Local Civil Rule 7.1(F).

Respectfully submitted this 3rd day of August, 2010.

s/ Jared B. Briant

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CERTIFICATE OF SERVICE (CM/ECF)

I hereby certify that on August 3, 2010, I electronically filed the foregoing **UNOPPOSED MOTION TO WITHDRAW MOTION TO DECLARE CASE EXCEPTIONAL PURSUANT TO 15 U.S.C. § 1117 AND AWARD DEFENDANT ITS REASONABLE ATTORNEYS' FEES** with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following persons at the given email addresses:

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s/ Jared B. Briant

Jared B. Briant