GOOGLE, INC., and ONIX NETWORKING CORPORATION,	-))))
)
Plaintiffs,)
v.) No. 10-743 C) (Judge Braden)
THE UNITED STATES,)
Defendant,)
and)
SOFTCHOICE CORPORATION,)
Defendant-Intervenor.)

IN THE UNITED STATES COURT OF FEDERAL CLAIMS Bid Protest

MOTION TO DISMISS WITHOUT PREJUDICE

Based on the defendant's agreement to update its market research, a process that may include the issuance of a Request for Information, and then conduct a procurement subject to the availability of appropriated funds and in accordance with the Federal Acquisition Regulation in a manner that will not preclude plaintiffs from fairly competing, plaintiffs respectfully move for dismissal of this action without prejudice. Accordingly, pursuant to Rule 41(a)(2) of the Court's Rules, plaintiffs respectfully request that the Court issue an order granting this motion to dismiss plaintiffs' action without prejudice.

Respectfully submitted,

<u>/s/ Timothy Sullivan</u> Timothy Sullivan 1909 K Street, N.W., 6th Floor Washington, DC 20006 (202) 585-6930 (tel.) (202) 508-1028 (fax)

Attorney of Record for Plaintiffs Google, Inc. and Onix Networking Corporation

Of Counsel:

Katherine S. Nucci Scott F. Lane Kathleen E. Kraft Thompson Coburn LLP

Dated: September 22, 2011

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of September, 2011, a copy of the foregoing "Motion to Dismiss Without Prejudice" was filed electronically. I understand that notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/ Timothy Sullivan