

In the United States Court of Federal Claims

No. 10-743C

Filed: September 28, 2011

GOOGLE, INC.,

and

ONIX NETWORKING CORPORATION,

Plaintiff,

v.

THE UNITED STATES,

Defendant,

and

SOFTCHOICE CORPORATION,

Defendant-Intervenor.

ORDER OF DISMISSAL, WITH PREJUDICE

On September 27, 2011, the court held a status conference to discuss Plaintiff’s September 22, 2011 Motion To Dismiss, Without Prejudice, and the Government’s September 23, 2011 Response.

At the hearing, the Government represented as follows:

The research that the Department of the Interior relied on in issuing the July 15, 2010 Standardization “Determination and Findings” and RFQ No. 503786 is now stale in light of new developments in technology and entrants into the market.

The Department of the Interior has decided not to proceed with the procurement of cloud email and collaboration services, pursuant to RFQ No. 503786.

The Department of the Interior currently is preparing a Request for Information (“RFI”) for potential issuance of a Solicitation to procure cloud email and collaboration services.

In light of these representations at the September 27, 2011 hearing, Google orally moved to withdraw the December 30, 2010 Amended Complaint and requested that the court dismiss Case No. 10-743C, with prejudice. The Government concurs with Google’s Motion To Dismiss, With Prejudice. The Defendant-Intervenor agrees this case should be dismissed, with prejudice.

Based on the foregoing, the court has determined that the interests of justice are served by dismissing this case, with prejudice. *See* RCFC 41(a)(2).

In the event that the Department of the Interior subsequently awards any cloud email and collaboration services contract(s) that result in a bid protest being filed by Plaintiff or Defendant-Intervenor in the United States Court of Federal Claims, the aforementioned parties are instructed to inform the Office of the Clerk of this related case Order Of Dismissal. In turn, the Office of the Clerk is instructed to assign that bid protest to this court as a related case.

IT IS SO ORDERED.

s/Susan G. Braden
SUSAN G. BRADEN
Judge