

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

SPARK NETWORK SERVICES, INC.

Plaintiff,

v.

MATCH.COM, LP, eHARMONY.COM.,
INC. and YAHOO!, INC.,

Defendants.

Civil Action No. 1:07-cv-00570

STIPULATION AND [PROPOSED] ORDER OF DISMISSAL

IT IS HEREBY STIPULATED by and between Plaintiff Spark Network Services, Inc. ("Spark"), and Defendant Yahoo!, Inc. ("Yahoo") that Spark and Yahoo have agreed to a compromise and settlement of the above-captioned action (this "Civil Action") and all claims, defenses and counterclaims that were or could have been brought in this action. The parties also expressly consent to the reservation of jurisdiction over this Civil Action by this Court for the purpose of enforcing the terms of the settlement agreement between the parties effective as of September 12, 2007 (the "Settlement Agreement") pursuant to which Spark and Yahoo agreed to dismiss this Civil Action with prejudice. Each party agrees to bear its own costs.

WHEREFORE, with the consent of Spark and Yahoo, through their undersigned attorneys, it is hereby **ORDERED, ADJUDGED, and DECREED** that, pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure:

1. All claims, defenses and/or counterclaims that were or could have been made by and between Spark and Yahoo relating to this Civil Action are hereby dismissed with prejudice.
2. Spark has not released, and nothing in this Order shall be construed as a release or discharge of, any claim Spark has made against or may have in the future against Defendants

Match.com, LP and eHarmony.com, Inc. All such rights have been and are expressly reserved by Spark.

3. Spark and Yahoo shall each bear its own costs and attorneys' fees.

4. This Court retains jurisdiction over Spark and Yahoo for the purpose of enforcing the Settlement Agreement between them relating to this Civil Action or any action relating to the enforcement of this Order.

SO ORDERED:

ENTERED: _____

United States District Judge

AGREED TO:

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Attorneys for Defendant,
Yahoo!, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on October 23, 2007, I caused the foregoing STIPULATION AND [PROPOSED] ORDER OF DISMISSAL to be electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to counsel listed above and:

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I certify that all parties in this case are represented by counsel who are CM/ECF participants.

/s/ Raymond P. Niro, Jr.
Attorney for Spark