

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

SMALL PLANET FOODS, INC.,

Civil No. 08-6477 (JRT/SRN)

Plaintiff,

ORDER OF DISMISSAL

v.

CASCADE FRESH, INC.,

Defendant.

Laura Borst and Timothy Kenny, **FULBRIGHT & JAWORSKI LLP**, 80 South Eighth Street, Suite 2100, Minneapolis, MN 55402; Brandon Ress, C. Ashley Callahan, and Richard Groos, **FULBRIGHT & JAWORSKI LLP**, 600 Congress Avenue, Suite 2400, Austin, Texas 78701, for Plaintiff.

Kevin Costanza, Nathaniel Durrance, **SEED INTELLECTUAL PROPERTY LAW GROUP PLLC**, 701 Fifth Avenue, Suite 5400, Seattle, WA 98104; Stephen Baird, Tiffany Blofield, and Brent Lorentz, **WINTHROP & WEINSTINE, PA**, 225 South Sixth Street, Suite 3500, Minneapolis, MN 55402, for defendant.

The Court having been advised that the above action has settled,

IT IS HEREBY ORDERED that this action is dismissed with prejudice, the Court retaining jurisdiction for forty-five days to permit any party to move or reopen the action, for good cause shown, or to submit and file a stipulated form of final judgment, or to seek enforcement of the settlement terms.

DATED: May 24, 2010
at Minneapolis, Minnesota.

s/ John R. Tunheim
JOHN R. TUNHEIM
United States District Judge