

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

RATES TECHNOLOGY INC.,

Plaintiff,

v.

GOOGLE INC.,

Defendant.

Case No. CV 05-4703 JS (JB)

**JOINT MOTION TO CORRECT THE STIPULATION AND ORDER OF DISMISSAL**

On March 31, 2006, the parties filed a stipulation and order of dismissal. The body of that document correctly provides that the case should be dismissed *with* prejudice in light of the parties' settlement agreement, but is incorrectly entitled "Stipulation And Order Of Dismissal Without Prejudice." Accordingly, to correct the typographical error, the parties respectfully request that the Court enter the Corrected Stipulation and Order of Dismissal With Prejudice, attached hereto as Exhibit A.

Dated: April 3, 2006

By: 

James B. Hicks  
Burke, Williams & Sorensen, LLP  
444 South Flower Street, Suite 2400  
Los Angeles, CA 90071-2953  
Telephone: (213) 236-2744  
Facsimile: (213) 236-2700

David Lazer  
Lazer, Aptheker, Rosella & Yedid, P.C.  
Melville Law Center  
225 Old Country Road  
Melville, NY 11747  
Telephone: (631) 761-0800  
Facsimile: (631) 761-0015

*Attorneys for Rates Technology Inc.*

Dated: April 3, 2006

By: Jon T. Hohenthauer

John M. Desmarais (JD6460)  
Jon T. Hohenthauer (JH4073)  
KIRKLAND & ELLIS LLP  
153 East 53rd Street  
New York, New York 10022  
Telephone: (212) 446-4800  
Facsimile: (212) 446-4900

*Attorneys for Google Inc.*

# **EXHIBIT A**

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

RATES TECHNOLOGY INC.,

Plaintiff,

v.

GOOGLE INC.,

Defendant.

Case No. CV 05-4703 JS (JB)

**CORRECTED STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE**

**IT IS HEREBY STIPULATED AND AGREED**, pursuant to a settlement agreement by and between the parties hereto, by their respective counsel, pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, and with the approval of the Court that the above-captioned action is hereby dismissed with prejudice and without costs to any party. The Court will retain jurisdiction over the enforcement of the settlement agreement.

**SO ORDERED:**


Dated: Central Islip, New York

\_\_\_\_\_, 2006

\_\_\_\_\_  
ARTHUR D. SPATT  
United States District Judge

**STIPULATED TO:**

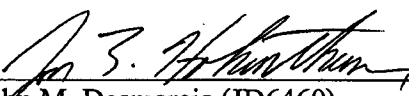
Dated: April 3, 2006

By:   
James B. Hicks  
Burke, Williams & Sorensen, LLP  
444 South Flower Street, Suite 2400  
Los Angeles, CA 90071-2953  
Telephone: (213) 236-2744  
Facsimile: (213) 236-2700

David Lazer  
Lazer, Aptheker, Rosella & Yedid, P.C.  
Melville Law Center  
225 Old Country Road  
Melville, NY 11747  
Telephone: (631) 761-0800  
Facsimile: (631) 761-0015

***Attorneys for Rates Technology Inc.***

Dated: April 3, 2006

By:   
John M. Desmarais (JD6460)  
Jon T. Hohenthauer (JH4073)  
KIRKLAND & ELLIS LLP  
153 East 53rd Street  
New York, New York 10022  
Telephone: (212) 446-4800  
Facsimile: (212) 446-4900

***Attorneys for Google Inc.***