

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

RESCUECOM CORPORATION,

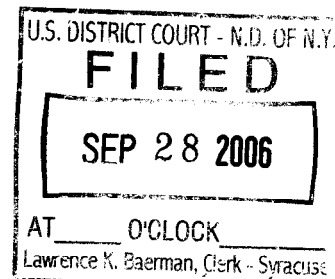
Plaintiff,

v.

GOOGLE, INC.,

Defendant.

CIVIL JUDGMENT
5:04-CV-1055
(NAM/GHL)



DECISION BY COURT. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

that defendant's motion to dismiss is **granted**, and that Counts I, II, and III are **dismissed with prejudice**; and that Counts IV, V, and VI are **dismissed without prejudice**.

September 28, 2006
Date

LAWRENCE K. BAERMAN
Clerk

Judi L. Roberts
Judi L. Roberts
Deputy Clerk