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IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS MARSHALL DIVISION

| POLARIS IP, LLC, | | § | |
|------------------|-----------------------------|---|-------------------------------------|
| | | § | |
| | Plaintiff, | § | |
| | | § | |
| VS. | | § | Civil Action No. 2:07-cv-371-TJW-CE |
| | | § | |
| (1) | GOOGLE INC.; | § | |
| (2) | YAHOO! INC.; | § | |
| (3) | AMAZON.COM, INC.; | § | |
| (4) | A9.COM, INC.; | § | HIDA TOLLI DEMANDED |
| (5) | BORDERS, INC.; | § | JURY TRIAL DEMANDED |
| (6) | BORDERS GROUP INC.; | § | |
| (7) | AOL LLC; | § | |
| (8) | AMERICA ONLINE, INC.; | § | |
| (9) | IAC/INTERACTIVECORP; and | § | |
| (10) | IAC SEARCH AND MEDIA, INC., | § | |
| | D 6 1 | § | |
| | Defendants. | § | |

[PROPOSED] ORDER GRANTING AMERICA ONLINE, INC. AND AOL LLC'S MOTION TO DISMISS OR, IN THE ALTERNATIVE, FOR A MORE DEFINITE STATEMENT, TO STRIKE, AND TO STAY DISCOVERY

This matter came before the Court pursuant to Defendants America Online, Inc. and AOL LLC's motion to dismiss or, in the alternative, for a more definite statement, to strike, and to stay discovery. Based on the briefs, supporting papers and proceedings herein, and for good cause shown, Defendant's Motion is here by GRANTED as follows.

IT IS HEREBY ORDERED THAT:

- [1. Plaintiff Polaris IP LLC's claims for willful infringement, inducement, and contributory infringement as to America Online, Inc. and AOL LLC are dismissed for failure to state a claim upon which relief can be granted under Federal Rule of Civil Procedure 12(b)(6);]
- [2. Plaintiff Polaris IP LLC's prayers for relief as to America Online, Inc. and AOL LLC, including those related to indirect infringement and willful infringement, are stricken.]

[Alternative: Under Federal Rule of Civil Procedure 12(e), Plaintiff Polaris IP LLC has ______ days from the date of this ORDER to file and serve an Amended Complaint to provide a more definite statement of the allegations presented in its claims for willful infringement, inducement, and contributory infringement.]