

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

PERFORMANCE PRICING, INC.,

Plaintiff,

v.

GOOGLE INC., AOL LLC, MICROSOFT  
CORPORATION, YAHOO! INC.,  
IAC SEARCH & MEDIA, INC., and  
A9.COM, INC.,

Defendants.

Case No. 2:07-cv-432 (LED)

**JURY TRIAL DEMANDED**

**Unopposed**

**AGREED PROPOSED MEDIATOR**

Counsel for Plaintiff, Performance Pricing, Inc. and Counsel for Defendants, Google Inc., AOL LLC, Microsoft Corporation, Yahoo! Inc., IAC Search & Media, Inc. and A9.com, Inc., have conferred and have selected Judge Edward A. Infante (Ret.) to serve as the mediator in the above-captioned case. Judge Infante's address, telephone number and fax number are as follows:

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Dated: May 19, 2008

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on May 19<sup>th</sup>, 2008. Any other counsel of record will be served by First Class U.S. mail on this same date.

*/s/ Michael E. Jones* \_\_\_\_\_