

**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

STIPULATED MOTION FOR DISMISSAL WITH PREJUDICE AS TO A9.COM

The plaintiff, Performance Pricing, Inc., and defendant A9.com, Inc., pursuant to Fed. R. Civ. P. 41(a)(2) and (c), hereby move for an order dismissing all claims against and counterclaims by A9.com, Inc. in this action WITH PREJUDICE, subject to the terms of that certain agreement entitled "PATENT LICENSE AND SETTLEMENT AGREEMENT" and dated November 13, 2008, with each party to bear its own costs, expenses and attorneys fees, and with the Court to retain jurisdiction to enforce or construe the agreement.

Dated: November 17, 2008

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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing instrument was served on all counsel of record by E-mail and/or Federal Express this 17th day of November, 2008.

/s/ Christin Cho
Christin Cho