

**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

ORDER OF DISMISSAL WITH PREJUDICE AS TO A9.COM

CAME ON THIS DAY for consideration of the Stipulated Motion for Dismissal With Prejudice of all claims and counterclaims asserted between plaintiff, Performance Pricing, Inc., and defendant, A9.com, Inc., in this case, and the Court being of the opinion that said motion should be GRANTED, it is hereby

ORDERED, ADJUDGED AND DECREED that all claims and counterclaims asserted in this suit between plaintiff, Performance Pricing, Inc., and defendant, A9.com, Inc., are hereby dismissed with prejudice, subject to the terms of that certain agreement entitled "PATENT LICENSE AND SETTLEMENT AGREEMENT" and dated November 13, 2008, and with the Court to retain jurisdiction to enforce or construe the agreement.

It is further ORDERED that all attorneys' fees and costs are to be borne by the party that incurred them.

So ORDERED and SIGNED this 19th day of November, 2008.



**LEONARD DAVIS
UNITED STATES DISTRICT JUDGE**