

**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

IAC SEARCH & MEDIA, INC.

The plaintiff, Performance Pricing, Inc. (“Plaintiff”) and defendant IAC Search & Media, Inc., pursuant to Federal Rules of Civil Procedure 41(a)(2) and (c), hereby move for an order dismissing all claims against IAC Search & Media, Inc. in this action WITH PREJUDICE, and dismissing all counterclaims by IAC Search & Media, Inc. against Plaintiff in this action WITHOUT PREJUDICE, subject to the terms of that certain agreement entitled “**RELEASE AGREEMENT,**” and dated February 12, 2009, with each party to bear its own costs, expenses and attorneys’ fees.

Dated: March 2, 2009

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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 2nd day of March, 2009.

/s/ Christin Cho
Christin Cho