

**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 IAC SEARCH & MEDIA, INC.

CAME ON THIS DAY for consideration of the Stipulated Motion for Dismissal of Claims With Prejudice of all claims asserted by plaintiff, Performance Pricing, Inc., against defendant IAC Search & Media, Inc., in this case, and for dismissal without prejudice of all counterclaims by defendant IAC Search & Media, Inc. against Plaintiff Performance Pricing, Inc., 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 by plaintiff Performance Pricing, Inc. in this suit between plaintiff Performance Pricing, Inc. and defendant IAC Search & Media, Inc., are hereby dismissed with prejudice, and that all counterclaims asserted by defendant IAC Search & Media, Inc. in this suit are hereby dismissed without prejudice, subject to the terms of that certain agreement entitled "RELEASE AGREEMENT," dated February 12, 2009.

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 4th day of March, 2009.

A handwritten signature in black ink, appearing to read "Leonard Davis". The signature is written in a cursive style with a large, prominent loop in the middle. Below the signature is a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE