

**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

YAHOO!, INC.

Performance Pricing, Inc. (“Plaintiff”) and Defendant Yahoo! Inc. pursuant to Federal Rules of Civil Procedure 41(a)(2) and (c), hereby move for an order dismissing all claims by Plaintiff against Yahoo! Inc. in this action WITH PREJUDICE, and dismissing all counterclaims by Yahoo! Inc. against Plaintiff in this action WITHOUT PREJUDICE, with each party to bear its own costs, expenses, and attorneys’ fees.

Dated: June 8, 2009

By: /s/ Christin Cho

Christin Cho
CA State Bar No. 238173
Email: christin@dovellaw.com
Gregory S. Dovel
CA State Bar No. 135387
Email: greg@dovellaw.com
Sean Luner
CA State Bar No. 165443
Email: sean@dovellaw.com
Dovel & Luner, LLP
201 Santa Monica Blvd., Suite 600

Santa Monica, CA 90401
Telephone: 310-656-7066
Facsimile: 310-657-7069

S. Calvin Capshaw
State Bar No. 03783900
Elizabeth L. DeRieux
State Bar No. 05770585
Capshaw DeRieux, L.L.P.
1127 Judson Road, Suite 220
Longview, TX 75601-5157
Telephone: (903) 236-9800
Facsimile: (903) 236-8787
Email: capshaw@capshawlaw.com
Email: ederieux@capshawlaw.com

Robert M. Parker
State Bar No. 15498000
Email: rmparker@cox-internet.com
Robert Christopher Bunt
State Bar No. 00787165
Email: cbunt@cox-internet.com
Parker & Bunt, P.C.
100 East Ferguson, Ste. 1114
Tyler, TX 75702
Telephone: 903/531-3535
Facsimile: 903/533-9687

ATTORNEYS FOR PLAINTIFF
PERFORMANCE PRICING, INC.

By: /s/ Richard Hung
(with permission by Christin Cho)

Richard S.J. Hung
(rhung@mofocom)

Michael A. Jacobs
(mjacobs@mofocom)

Rachel Krevans
(rkrevans@mofocom)

MORRISON & FOERSTER LLP
425 Market Street
San Francisco, CA 94105
Telephone: 415-268-7000
Facsimile: 415-268-7522

Michael E. Jones

(mikejones@potterminton.com)
Potter Minton, A Professional
Corporation
110 North College, Suite 500
Tyler, Texas 75702
Telephone: 903-597-8311
Facsimile: 903-593-0846

ATTORNEYS FOR DEFENDANT
YAHOO!, INC.

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 8th day of June, 2009.

/s/ Christin Cho
Christin Cho