

**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 YAHOO!, INC.**

CAME ON THIS DAY for consideration of the Stipulated Motion for Dismissal of all claims asserted by plaintiff, Performance Pricing, Inc., against defendant Yahoo! Inc., in this case with prejudice, and for dismissal of all counterclaims by defendant Yahoo! Inc. against Plaintiff Performance Pricing, Inc. without prejudice, 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 Yahoo! Inc., are hereby dismissed with prejudice, and that all counterclaims asserted by defendant Yahoo! Inc. in this suit are hereby dismissed without prejudice.

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