

**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
MICROSOFT CORPORATION**

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

Dated: June 29, 2009

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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served this 29th day of June, 2009, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ Christin Cho
Christin Cho