

**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 MICROSOFT
CORPORATION**

CAME ON THIS DAY for consideration of the Stipulated Motion for Dismissal of all claims assert by plaintiff Performance Pricing, Inc. against defendant Microsoft Corporation ("Microsoft") in this case with prejudice, and for dismissal of all counterclaims by defendant Microsoft 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 asserted by plaintiff Performance Pricing, Inc. against defendant Microsoft in this suit are hereby dismissed with prejudice, and that all counterclaims asserted by defendant Microsoft against plaintiff Performance Pricing, 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.

So ORDERED and SIGNED this 1st day of July, 2009.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS
UNITED STATES DISTRICT JUDGE**