

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

PERFORMANCE PRICING, INC.,

Plaintiff,

v.

GOOGLE INC. and AOL LLC,

Defendants.

Case No. 2:07-cv-432-RRR

**JURY TRIAL DEMANDED**

**Joint Statement of Remaining Issues Pursuant to March 18, 2010 Order**

Pursuant to the Court's March 18, 2010 Summary Judgment Order (“Order”), the parties have identified the following issue as remaining in light of the Court’s Order:

The counterclaims by defendants Google Inc. and AOL LLC for declaratory judgment of invalidity and unenforceability remain in the case. The parties have agreed to dismiss without prejudice these counterclaims and have filed concurrently with this Statement a proposed final judgment reflecting this agreement.

The parties reserve their rights to seek attorneys’ fees and costs in the normal course subsequent to entry of final judgment.

DATED: March 19, 2010

/s/ Rickard E. Lyon

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**GOOGLE INC. and AOL LLC**

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the above and foregoing document was served, via the Court's CM/ECF system per Local Rule CV-5(a)(3), on counsel for Defendants this 19<sup>th</sup> day of March, 2010.

/s/ Richard E. Lyon  
Richard E. Lyon