

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

**ACTUS, LLC,**

**Plaintiff,**

**v.**

**BANK OF AMERICA CORP., et al.**

**Defendants.**

**CIVIL ACTION NO. 2:09-cv-102-TJW**

**JURY TRIAL DEMANDED**

**STIPULATED MOTION FOR DISMISSAL WITH PREJUDICE**

The plaintiff, Actus LLC and defendant WildTangent, Inc., pursuant to Fed. R. Civ. P. 41(a)(2) and (c), hereby move for an order dismissing all claims in this action WITH PREJUDICE and dismissing all counterclaims as MOOT, subject to the terms of that certain agreement entitled "SETTLEMENT AND LICENSE AGREEMENT" and dated July 22, 2009, with each party to bear its own costs, expenses and attorneys fees.

Dated: August 3, 2009

Respectfully Submitted,

**WILDTANGENT, INC.**

**ACTUS, LLC**

By: /s/ Jose Villareal

By: /s/ William E. "Bo" Davis, III

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**ATTORNEYS FOR DEFENDANT  
WILDTANGENT, INC.**

**ATTORNEY FOR PLAINTIFF  
ACTUS, LLC**

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic served were served with a true and correct copy of the foregoing by email, on this the 3rd day of August, 2009.

/s/ William E. "Bo" Davis, III  
William E. "Bo" Davis, III