

**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 (“Actus”) and Defendant Google, Inc. (“Google”), pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), (a)(2) and (c), hereby move for an order dismissing Plaintiff’s claims in this action against Defendant Google, Inc. WITH PREJUDICE, with each Party to bear its own costs, expenses and attorneys fees.

Dated: October 16, 2009

Respectfully Submitted,

**GOOGLE, INC.**

By: /s/ Harry L. Gillam, Jr.  
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Melissa R. Smith  
State Bar No. 24001351

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**ATTORNEYS FOR DEFENDANT  
GOOGLE, INC.**

**ACTUS, LLC**

By: /s/ William E. Davis, III  
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**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 service were served with a true and correct copy of the foregoing by email, on this the 16th day of October, 2009.

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