

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

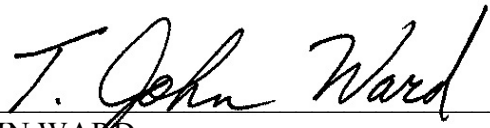
ACTUS, LLC)	
)	
Plaintiff,)	Civil Action No. 2:09-cv-102-TJW
)	
v.)	
)	JURY TRIAL DEMANDED
BANK OF AMERICA CORP., et al.,)	
)	
Defendants.)	

ORDER OF DISMISSAL WITH PREJUDICE

In consideration of the parties’ Stipulated Motion for Dismissal of all claims with prejudice and all counterclaims as moot asserted between Plaintiff Actus, LLC and Defendant Capital One Financial Corporation, the Stipulated Motion for Dismissal is GRANTED, and it is ORDERED, ADJUDGED AND DECREED that all claims asserted in this suit between Plaintiff and Defendant are hereby dismissed with prejudice and all counterclaims are dismissed as moot, subject to the terms of that certain agreement entitled “SETTLEMENT AND LICENSE AGREEMENT” dated September 3, 2010.

It is further ORDERED that all attorneys’ fees and costs are to be borne by the party that incurred them.

SIGNED this 15th day of September, 2010.



 T. JOHN WARD
 UNITED STATES DISTRICT JUDGE