

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

BENEFICIAL INNOVATIONS, INC.,

Plaintiff,

vs.

CAREERBUILDER, LLC, a Delaware corporation; CNET NETWORKS, INC., a Delaware corporation; THE DALLAS MORNING NEWS, INC., a Delaware corporation; DIGG, INC., a Delaware corporation; EBAUM’S WORLD, INC., a New York corporation; GOOGLE INC., a Delaware corporation; JABEZ NETWORKS, INC., a Tennessee corporation; MORRIS COMMUNICATIONS COMPANY, LLC, a Georgia limited liability company; THE NEW YORK TIMES COMPANY, a New York corporation; YAHOO! INC., a Delaware corporation; YOUTUBE, LLC, a Delaware limited liability company; COMCAST CORPORATION; DISNEY ONLINE; FACEBOOK, INC.; IAC SEARCH & MEDIA, INC.; NBC UNIVERSAL, INC.; THE WALT DISNEY COMPANY,

Defendants.

CASE NO. 2:09-cv-175 (TJW)

Jury Trial Demanded

JOINT MOTION TO DISMISS

Pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, Plaintiff Beneficial Innovations, Inc. (“Beneficial”) and Defendants Google Inc. (“Google”), YouTube, LLC (“YouTube”), and NBC Universal, Inc. (“NBC Universal”) hereby move to dismiss, with prejudice, all claims asserted by Beneficial against Google, YouTube, and NBC Universal in this case, and Google, YouTube, and NBC Universal move to dismiss, without prejudice, all

counterclaims asserted by Google, YouTube and NBC Universal against Beneficial in this case.
The parties further move that each party shall bear its own attorneys' fees, expenses and costs.

Dated: November 12, 2010

Respectfully submitted,

By: /s/ Julien A. Adams

S. Calvin Capshaw
State Bar No. 03783900
Elizabeth L. DeRieux
State Bar No. 05770585
Brown McCarroll, L.L.P.
1127 Judson Road, Suite 220
Longview, TX 75601
Telephone: (903) 236-9800
Facsimile: (903) 236-8787
Email: capshaw@mailbmc.com
Email: ederieux@mailbmc.com

Of Counsel:

Gregory S. Dovel
CA State Bar No. 135387
Julien Adams
CA State Bar No. 156135
Dovel & Luner, LLP
201 Santa Monica Blvd., Suite 600
Santa Monica, CA 90401
Telephone: 310-656-7066
Facsimile: 310-657-7069

ATTORNEYS FOR PLAINTIFF,
BENEFICIAL INNOVATIONS, INC.

/s/ Mark G. Matuschak
Melissa Richards Smith
Gillam & Smith, LLP
303 South Washington Avenue
Marshall, TX 75670
Telephone: (903) 934-9257
E-mail: melissa@gillamsmithlaw.com

Mark G. Matuschak
Wilmer Cutler Pickering Hale and Dorr LLP
60 State Street
Boston, MA 02109
Telephone: (617) 526-6000
E-mail: mark.matuschak@wilmerhale.com

Kate Hutchins
Violetta G. Watson
Cosmin Maier
Wilmer Cutler Pickering Hale and Dorr LLP
399 Park Avenue
New York, NY 10022
Telephone: (212) 230-8800
E-mail: kate.hutchins@wilmerhale.com
E-mail: violetta.watson@wilmerhale.com
E-mail: cosmin.maier@wilmerhale.com

ATTORNEYS FOR DEFENDANTS
GOOGLE INC., NBC UNIVERSAL, INC.,
AND YOUTUBE, LLC

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served this 12th day of November, 2010, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Julien A. Adams
Julien A. Adams