

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

BENEFICIAL INNOVATIONS, INC.,

Plaintiff,

vs.

COMCAST CORPORATION, ET AL.,

Defendants.

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

Jury Trial Demanded

PLAINTIFF BENEFICIAL INNOVATIONS, INC.’S

MOTION TO DISMISS YAHOO! INC.

COMES NOW Plaintiff Beneficial Innovations, Inc., pursuant to Federal Rule of Civil Procedure Rule 41(a)(1)(A)(i), and respectfully moves the Court to dismiss without prejudice all claims asserted by Plaintiff Beneficial Innovations, Inc., against Defendant Yahoo!, Inc. (“Yahoo!”), and in support thereof would respectfully show the Court as follows:

All matters in controversy between Plaintiff Beneficial Innovations, Inc., and Defendant Yahoo! have been settled. Plaintiff Beneficial Innovations, Inc. therefore moves to dismiss all claims asserted against Yahoo! without prejudice pursuant to Federal Rule of Civil Procedure Rule 41(a)(1)(A)(i). Plaintiff Beneficial Innovations, Inc., further moves that all attorneys fees and costs of court be borne by the party that incurred them.

WHEREFORE, PREMISES CONSIDERED, Plaintiff Beneficial Innovations, Inc. prays that all claims asserted against Yahoo! Inc. be dismissed without prejudice, with all attorneys’ fees and costs of court being borne by the party that incurred them.

Dated: January 19, 2012

Respectfully submitted,

By: /s/ Julien A. Adams

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ATTORNEYS FOR PLAINTIFF,
BENEFICIAL INNOVATIONS, INC.

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served this 19th day of January, 2012 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