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

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|---|---|
| SHARING SOUND, LLC, | |
|                           Plaintiff, | |
|    v. | |
| APPLE, INC., | |
| SONY ERICSSON MOBILE | Case No.  2:10-cv-00162 |
| COMMUNICATIONS AB, | |
| SONY ERICSSON MOBILE | **JURY TRIAL DEMANDED** |
| COMMUNICATIONS INC., | |
| RHAPSODY INTERNATIONAL, INC., | |
| NAPSTER, L.L.C. | |
| BRILLIANT DIGITAL ENTERTAINMENT, INC., | |
| MICROSOFT CORPORATION, | |
|                           Defendants. | |

### NOTICE OF DISMISSAL OF DEFENDANT NAPSTER, L.L.C.

Plaintiff, Sharing Sound, LLC ("Sharing Sound") and Defendant Napster, L.L.C. ("Napster") have resolved the claims asserted between them.  Napster has not yet filed either an answer or a motion for summary judgment.  Accordingly, pursuant to Federal Rule of Civil Procedure 41(a), Sharing Sound hereby dismisses with prejudice all claims under the Licensed Patents against Napster, but only with respect to Microsoft Products.  The dismissal of Napster is without prejudice with respect to any other product.  Each party will bear its own costs and attorneys' fees.

Respectfully submitted,

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## 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 and/or fax, on this the 12th day of August, 2010.

Scott E. Stevens