

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

SHARING SOUND, LLC,

Plaintiff,

v.

APPLE, INC.,
SONY ERICSSON MOBILE
COMMUNICATIONS AB,
SONY ERICSSON MOBILE
COMMUNICATIONS INC.,
SONY CORPORATION OF AMERICA,
SONY ELECTRONICS, INC.,
SONY COMPUTER ENTERTAINMENT INC.,
SONY COMPUTER ENTERTAINMENT
AMERICA, INC.,
SONY CORPORATION,
RHAPSODY INTERNATIONAL, INC.,
NAPSTER, L.L.C.
BRILLIANT DIGITAL ENTERTAINMENT, INC.,
MICROSOFT CORPORATION,

Defendants.

Case No. 2:10-cv-162

JURY TRIAL DEMANDED

NOTICE OF DISMISSAL

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 to the extent they concern the use by or through Napster of any past, present, or future technology, software, product, equipment, or service that is provided by or for Microsoft Corp. The Licensed Patents means U.S. Patent Nos. 6,247,130 and 6,233,682 and any reissue, extension, continuation, continuation-in-part, divisional, reexamination, or foreign counterpart of

either of them, and any patent that includes as part of its priority claim or list of related applications any of the foregoing. The dismissal of Napster is without prejudice with respect to any other technology, software, product, equipment, or service. Each party will bear its own costs and attorneys' fees.

Dated: September 2, 2010

/s/ Andrew W. Spangler
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Attorneys for Sharing Sound, LLC

CERTIFICATE OF SERVICE

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

September 2, 2010

s/ Andrew W. Spangler
Andrew W. Spangler