

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

DIETGOAL INNOVATIONS LLC,

*Plaintiff,*

v.

ARBY’S RESTAURANT GROUP, INC.;

*ET AL.,*

*Defendants.*

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Civil Action No. 2:11-cv-00418-MHS-CMC

Jury Trial Demanded

**PLAINTIFF’S NOTICE OF DISMISSAL OF DEFENDANT  
BON APPÉTIT MANAGEMENT COMPANY WITH PREJUDICE**

Pursuant to FED. R. CIV. P. 41(a)(1)(A)(i), Plaintiff DietGoal Innovations LLC (“DietGoal”) hereby provides notice that it dismisses with prejudice any and all claims made by DietGoal against Defendant Bon Appétit Management Company in the above-captioned action.

Dated: May 9, 2012

Respectfully submitted,

**BUETHER JOE & CARPENTER, LLC**

By: /s/ Niky Bukovcan

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***ATTORNEYS FOR PLAINTIFF  
DIETGOAL INNOVATIONS LLC***

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a) on this 9th day of May, 2012. Any other counsel of record will be served by facsimile transmission and first class mail.

*/s/ Niky Bukovcan*

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Niky Bukovcan

**CERTIFICATE OF CONFERENCE**

I hereby certify that counsel for DietGoal Innovations LLC conferred with counsel for Defendant on May 9, 2012, regarding the foregoing Motion to Dismiss With Prejudice and all parties are in agreement.

*/s/ Niky Bukovcan*

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Niky Bukovcan