

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

DATATERN, INC.

Plaintiff,

v.

**BANK OF AMERICA CORPORATION, ET
AL**

Defendants.

Civil Action No. 5:08-CV-00070-DF

JURY TRIAL DEMANDED

ORDER OF DISMISSAL WITH PREJUDICE

In consideration of the parties' Stipulated Motion for Dismissal of all claims prejudice and all counterclaims as moot asserted between plaintiff, DataTern, Inc., and Defendants Visa, Inc. and Visa USA, Inc., the Stipulated Motion for Dismissal is GRANTED, and it is ORDERED, ADJUDGED AND DECREED that all claims and counterclaims asserted in this suit between Plaintiff and Defendants Visa Inc. and Visa USA Inc., are hereby dismissed with prejudice and all counterclaims are dismissed as moot, subject to the terms of that certain agreement entitled "SETTTLEMENT AGREEMENT" dated October 13, 2008.

It is further ORDERED that all attorneys' fees and costs are to be borne by the party that incurred them.

SIGNED this 23rd day of October, 2008.



DAVID FOLSOM
UNITED STATES DISTRICT JUDGE