

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

KONAMI DIGITAL ENTERTAINMENT CO.,	§	CIVIL ACTION NO. 6:08-CV-286 JDL
LTD., a Japanese Corporation, and KONAMI	§	
DIGITAL ENTERTAINMENT, INC., an	§	
Illinois Corporation,	§	
	§	
<i>Plaintiffs,</i>	§	
v.	§	
	§	
HARMONIX MUSIC SYSTEMS INC., a	§	
Delaware Corporation, MTV NETWORKS	§	
CO., a Delaware Corporation, VIACOM	§	
INTERNATIONAL INC., a Delaware	§	
Corporation, and VIACOM INC., a Delaware	§	
Corporation,	§	
	§	
<i>Defendants.</i>	§	
	§	
_____	§	
AND RELATED COUNTERCLAIM.	§	
_____	§	

AGREED MOTION TO DISMISS WITH PREJUDICE

Pursuant to the terms of a separate agreement, Plaintiffs Konami Digital Entertainment Co., Ltd. and Konami Digital Entertainment, Inc. (“Plaintiffs”) and Defendants Harmonix Music Systems Inc., MTV Networks Co., Viacom International Inc. and Viacom Inc. (“Defendants”), have agreed to settle, release, adjust and compromise all claims and counterclaims in the above-captioned action. The parties, therefore, move this Court under Rule 41(a) of the Federal Rules of Civil Procedure to dismiss the above-entitled cause and all claims by Plaintiffs against Defendants and all claims by Defendants against Plaintiffs made therein with prejudice.

The parties further move the Court to order that all costs and expenses relating to this litigation (including attorney and expert fees and expenses) shall be borne solely by the party incurring same.

A proposed Order accompanies this motion.

Dated: September 15, 2010

Respectfully submitted,

By: /s/ Mark N. Reiter, with permission

By: /s/ Robert M. Masters

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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who have consented to electronic service are being served a copy of this document via the court's CM/ECF system pursuant to Local Rule CV-5(a)(3) on this 15th day of September, 2010.

/s/ Robert M. Masters

LEGAL_US_W # 65745728