

WHEREFORE, PREMISES CONSIDERED, these parties jointly pray that this action be dismissed with prejudice between them, with all costs of court being assessed against the party who incurred them.

Dated: October 13, 2008

Respectfully submitted,

By: /s/ Elizabeth L. DeRieux
S. Calvin Capshaw, III
State Bar No. 03783900
Elizabeth L. DeRieux
State Bar No. 05770585
N. Claire Abernathy
State Bar No. 24053063
CAPSHAW DERIEUX, LLP
1127 Judson Road, Suite 220
Longview, Texas 75601
Telephone: (903) 236-9800
Facsimile: (903) 236-8787
E-mail: ccapshaw@capshawlaw.com
E-mail: ederieux@capshawlaw.com
E-mail: chenry@capshawlaw.com

Gregory S. Dovel
California State Bar No. 135387
Sean A. Luner
California State Bar No. 165443
Christin K. Cho
California State Bar No. 238173
DOVEL & LUNER, LLP
201 Santa Monica Blvd., Suite 600
Santa Monica, California 90401
Telephone: (310) 656-7066
Facsimile: (310) 657-7069
E-mail: greg@dovellaw.com
E-mail: luner@dovellaw.com
E-mail: christin@dovellaw.com

**ATTORNEYS FOR PLAINTIFF,
KLAUSNER TECHNOLOGIES, INC.**

By: /s/ Ronald J. Marlowe
(signed with permission by Elizabeth L. DeRieux)

Ronald J. Marlowe
Florida State Bar No. 435971
ARNSTEIN & LEHR LLP
Two Harbour Place
302 Knights Run Avenue, Suite 1100
Tampa, Florida 33602-5962
Telephone: (813) 574-5014
Facsimile: (813) 574-5114
E-mail: RJMarlowe@arnstein.com

**ATTORNEYS FOR DEFENDANT,
PHONEFUSION, INC.**

CERTIFICATE OF SERVICE

This is to certify that all counsel of record who are deemed to have consented to electronic service are being served this 13th day of October, 2008, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served via electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ Elizabeth L. DeRieux
Elizabeth L. DeRieux