

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

|                      |   |                      |
|----------------------|---|----------------------|
| ALOFT MEDIA LLC,     | ) |                      |
|                      | ) |                      |
| Plaintiff,           | ) |                      |
|                      | ) |                      |
| vs.                  | ) | Case No. 6:09-CV-304 |
|                      | ) |                      |
| ORACLE CORP., ET AL. | ) |                      |
|                      | ) |                      |
|                      | ) |                      |
| Defendants.          | ) |                      |
|                      | ) |                      |

**JOINT MOTION TO DISMISS**

Pursuant to Federal Rule of Civil Procedure 41(a)(2) and the settlement agreement reached between them, Aloft Media LLC (“Aloft”) and Yahoo! Inc. (“Yahoo!”) jointly move to dismiss all claims by Aloft against Yahoo! with prejudice, and all claims by Yahoo! against Aloft without prejudice, with each party bearing its own costs and fees. Nothing in this dismissal shall be construed as a license, release, or discharge of, any claim Aloft has or may have in the future against any other Defendant named in this action or any other asserted infringer of the patent-in-suit. All such rights have been, and are, expressly reserved.

Dated this 13th day of August, 2009.

Respectfully submitted,

ALOFT MEDIA LLC

By its Attorneys



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YAHOO! INC.

By its Attorneys

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**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this motion was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email and/or fax, on this the 13<sup>th</sup> day of August, 2009

A handwritten signature in black ink, appearing to read "Eric M. Albritton", written over a horizontal line.

Eric M. Albritton