

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

Eolas Technologies Incorporated,	§	
	§	
Plaintiff,	§	Civil Action No. 6:09-CV-00446-LED
	§	
	§	
vs.	§	
	§	
Adobe Systems Inc., Amazon.com, Inc.,	§	JURY TRIAL
Apple Inc., Argosy Publishing, Inc.,	§	
Blockbuster Inc., CDW Corp.,	§	
Citigroup Inc., eBay Inc., Frito-Lay, Inc.,	§	
The Go Daddy Group, Inc., Google Inc.,	§	
J.C. Penney Company, Inc., JPMorgan	§	
Chase & Co., New Frontier Media, Inc.,	§	
Office Depot, Inc., Perot Systems Corp.,	§	
Playboy Enterprises International, Inc.,	§	
Rent-A-Center, Inc., Staples, Inc., Sun	§	
Microsystems Inc., Texas Instruments Inc.,	§	
Yahoo! Inc., and YouTube, LLC	§	
	§	
Defendants.	§	

**JOINT MOTION TO DISMISS WITHOUT PREJUDICE PURSUANT TO FEDERAL
RULE OF CIVIL PROCEDURE 41(a)(2)**

Pursuant to Fed. R. Civ. P. 41(a)(2), Plaintiff Eolas Technologies Incorporated (“Eolas”) and Defendant Argosy Publishing, Inc. (“Argosy”) (Eolas and Argosy are referenced individually as “Party” and collectively as “the Parties”), hereby jointly move to dismiss any and all claims made by Eolas against Argosy in the above-captioned action and any and all counterclaims made by Argosy against Eolas in the above-captioned action, without prejudice to re-filing the same.

Eolas and Argosy further stipulate that all fees, costs and expenses relating to the above-captioned litigation (including, but not limited to, attorneys’ fees) shall be borne solely by the Party incurring the same.

The Parties respectfully request that the Court grant their Motion and dismiss without prejudice their respective claims against each other. This dismissal shall have no bearing on Eolas' claims with respect to the other defendants in the above-captioned action.

DATED: January 28, 2010

Respectfully submitted,

McKool Smith, P.C.

/s/ Mike McKool

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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 document was served on all counsel who have consented to electronic services on this the 28th day of January, 2010. Local Rule CV-5(a)(3)(A).

/s/ Kevin Burgess

Kevin Burgess