

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION**

PERSONAL AUDIO, LLC,

Plaintiff,

v.

XM SATELLITE RADIO, INC.

Defendant.

CASE NO. 9:10-CV-00035-RC

JURY TRIAL DEMANDED

**NOTICE REGARDING MOTION TO DISMISS**

Defendant XM Satellite Radio, Inc., and Plaintiff Personal Audio, LLC, hereby notify the Court that they are in discussions to resolve XM Satellite Radio, Inc.'s Motion to Dismiss (Dkt.

7). The parties anticipate reaching a final agreement next week.

Dated: July 9, 2010

Respectfully Submitted,

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**Attorneys for Plaintiff Personal Audio, LLC**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this 9<sup>th</sup> day of July, 2010.

/s/ Elizabeth L. DeRieux