

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

Personal Audio, LLC,)	
)	
Plaintiff,)	
)	
v.)	Case 9:10-CV-00035-RC
)	
XM Satellite Radio Inc.,)	
)	
Defendant.)	
)	

**JOINT MOTION FOR JUDGMENT OF DISMISSAL WITHOUT PREJUDICE OF CLAIMS
BETWEEN PLAINTIFF PERSONAL AUDIO, LLC
AND DEFENDANT XM SATELLITE RADIO INC.**

Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure and a stipulation dated July 13, 2010, by and between Plaintiff Personal Audio, LLC (“Personal Audio”) and Defendant XM Satellite Radio Inc. (“XM”), Personal Audio and XM hereby jointly move for a judgment of dismissal without prejudice of all claims and counterclaims by and between Personal Audio and XM. The terms of the stipulation entered into by each party on July 14, 2010 are binding and enforceable on the parties.

A proposed Order accompanies this Motion pursuant to Local Court Rule CV-7(a).

Agreed to and respectfully submitted on 14th day of July, 2010.

Dated: July 14, 2010

GERMER GERTZ, L.L.P.

By: /s/ Charles W. Goehringer, Jr.

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*Attorneys for Defendant
XM Satellite Radio Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on July 14, 2010, a true and correct copy of this document was served via Electronic Case Filing (ECF) pursuant to Local Rule CV-5(a) on all counsel of record who has consented to electronic service by the Court's electronic filing system.

/s/ Charles W. Goehringer, Jr. _____
Charles W. Goehringer, Jr.

CERTIFICATE OF CONFERENCE

In accordance with Local Rule CV-7(h), counsel for Plaintiff, Personal Audio, LLC, conferred with counsel for Defendant, XM Satellite Radio Inc. on July 14, 2010. Counsel for XM Satellite Radio Inc. had no objection to this filing of said motion.

/s/ Charles W. Goehringer, Jr. _____
Charles W. Goehringer, Jr.