

****NOT FOR PRINTED PUBLICATION****

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

PERSONAL AUDIO, LLC,

Plaintiff,

v.

XM SATELLITE RADIO, INC.,

Defendant.

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CIVIL ACTION No. 9:10CV35

JUDGE RON CLARK

ORDER OF DISMISSAL

Before the court is the parties’ joint motion to dismiss [Doc. #22]. The parties state that they entered into a binding and enforceable stipulation on July 13, 2010, and they jointly move the court to dismiss without prejudice all claims by and between Plaintiff Personal Audio, LLC and Defendant XM Satellite Radio, Inc. The court is of the opinion that this motion should be granted.

Therefore, the parties’ Joint Motion for Judgment of Dismissal Without Prejudice of Claims Between Plaintiff Personal Audio, LLC and Defendant XM Satellite Radio Inc. [Doc. #22] is hereby **GRANTED**. Pursuant to the parties’ July 13, 2010 stipulation, it is **ORDERED** that all claims by Plaintiff Personal Audio, LLC against Defendant XM Satellite Radio, Inc. are **DISMISSED WITHOUT PREJUDICE**. It is further **ORDERED** that costs shall be borne by the party incurring same. XM Satellite Radio Inc.’s Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6) [Doc. #7] is hereby **DENIED AS MOOT**. It is further

ORDERED that all other pending motions not previously adjudicated by the court are **DENIED**
AS MOOT.

So **ORDERED** and **SIGNED** this **19** day of **July, 2010.**

A handwritten signature in black ink that reads "Ron Clark". The signature is written in a cursive, slightly slanted style.

Ron Clark, United States District Judge