

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

i.think inc.,

Plaintiff,

v.

MINEKEY, INC.

Defendant.

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CIVIL ACTION NO. 3-08-CV-0163-P

ECF

STIPULATION OF DISMISSAL

Plaintiff i.think inc. and Defendant Minekey, Inc. (“Minekey”) file this Stipulation of Dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

Plaintiff filed an Original Petition and Application for Temporary and Permanent Restraining Order in *i.think inc. v. Minekey, Inc., Delip Andra and Internet Unlimited*, Cause No. 08-01055, in the 160th Judicial District Court, Dallas County, Texas on January 30, 2008, (the “Action”). The then-Defendants removed the Action to this Court on February 1, 2008. Defendant Minekey, the only currently-remaining defendant, answered on February 19, 2008.

Because the parties have reached an agreement settling the dispute forming the basis of this Action, Plaintiff moves to dismiss the Action. Defendant agrees to the dismissal.

This Action is not a class action, a receiver has not been appointed in this Action, this Action is not governed by any federal statute that requires a court order for dismissal of the Action, and Plaintiff has not dismissed another action based on or including the same claims as those presented in this Action.

This dismissal is with prejudice to refiling.

Respectfully Submitted,

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ATTORNEYS FOR DEFENDANT
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Federal Rule of Civil Procedure 5(b)(2)(E) on October 15, 2008.

/s/ Lawrence R. Youst
Lawrence R. Youst