IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

SECURITIES AND EXCHANGE	;
COMMISSION,	:

Plaintiff,

v. : Civil Action No.: 3-08-CV-2050-D (SAF)

MARK CUBAN,

Defendant.

PLAINTIFF SECURITIES AND EXCHANGE COMMISSION'S NOTICE AND REQUEST PURSUANT TO THE COURT'S JULY 17, 2009 MEMORANDUM OPINION AND ORDER

Pursuant to the Court's July 17, 2009 Memorandum Opinion and Order, Plaintiff Securities and Exchange Commission states that it does not intend to file an amended complaint and respectfully requests that the Court enter the final judgment against it to initiate the time period for consideration of an appeal.

Dated: August 12, 2009 Respectfully submitted,

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s/ Kevin P. O'Rourke

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Attorneys for Plaintiff
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CERTIFICATE OF SERVICE

I hereby certify that on August 12, 2009, I electronically filed the foregoing document with the Clerk of the Court for the Northern District of Texas, Dallas Division, by using the CM/ECF system which will send notification of such filing to all CM/ECF participants and counsel of record.

s/ Kevin P. O'Rourke

SEC v. Cuban
Plaintiff's Notice and Request