

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION

HEARTBRAND BEEF, INC.	§	
	§	
Plaintiff,	§	
	§	
vs.	§	Civil Action No. 6:08-cv-00062
	§	
LOBEL'S OF NEW YORK, LLC,	§	
WORLDWIDE MEDIA, INC. THOUGHT	§	
CONVERGENCE, INC. and YAHOO! INC.	§	
Defendants.	§	

PLAINTIFF'S NOTICE OF VOLUNTARY DISMISSAL

Plaintiff, Heartbrand Beef, Inc. (“Heartbrand”) hereby files this “Plaintiff’s Notice of Voluntary Dismissal”, voluntarily dismissing its remaining claims against Defendant, Yahoo! Inc.

1. Heartbrand filed its Complaint in this matter on July 25, 2008 against Defendant Lobel’s of New York, LLC and Worldwide Media, Inc., and amended the Complaint on August 5, 2008 to include Defendants Thought Convergence, Inc. and Yahoo! Inc.

2. Heartbrand has since settled with Defendants Worldwide Media, Inc., Thought Convergence, Inc. and Lobel’s of New York, LLC, all of whom have been dismissed from this case. Thus, Yahoo! Inc. is the only remaining Defendant.

3. On February 5, 2009, the Court issued its “Memorandum and Order”, granting in part Yahoo! Inc.’s Motion to Dismiss. As a result, Heartbrand’s false designation of original claim under the Lanham Act has been dismissed.

4. At this time, Heartbrand no longer wishes to pursue its remaining causes of action against Yahoo! Inc. Yahoo! Inc. has not served an Answer or a Motion for Summary Judgment as of the

filing of this Notice. Therefore, pursuant to Fed. R. Civ. P. 41(a)(1), Heartbrand hereby dismisses this action without prejudice.

Respectfully submitted,

By: _____/s/ Ted D. Lee

Ted D. Lee
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HEARTBRAND BEEF, INC.

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of February 2009, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Annalyn G. Smith
Bracewell & Giuliani, LLP
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Defendant Yahoo! Inc.

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Defendant Yahoo! Inc.

_____/s/ Ted D. Lee