

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
VICTORIA DIVISION

HEARTBRAND BEEF, INC.,

Plaintiff,

v.

LOBEL'S OF NEW YORK, LLC;  
WORLDWIDE MEDIA, INC.;  
THOUGHT CONVERGENCE, INC.; and  
YAHOO! INC.,

Defendants.

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CIVIL ACTION NO. V-08-62

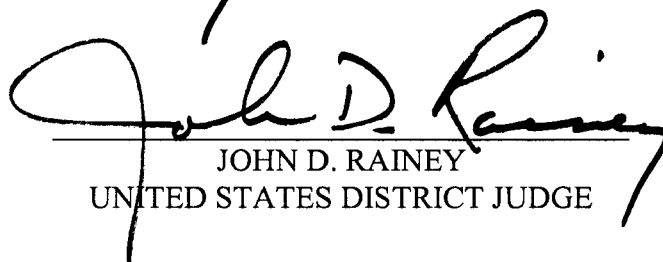
ORDER

On February 10, 2009, Plaintiff filed a Notice of Dismissal as to defendant Yahoo!. Dkt. No. 59. Defendants Lobel's of New York, Worldwide Media, and Thought Convergence were all previously dismissed. Dkt. Nos. 52, 53, 57. Yahoo! has filed neither an answer nor a motion for summary judgment. Thus, Plaintiff's notice of dismissal is sufficient to dismiss Yahoo! from the case. FED. R. CIV. P. 41(a)(1).

Accordingly, it is ORDERED that the plaintiff's claims and causes of action are DISMISSED without prejudice. Each party shall be responsible for its own costs and attorneys' fees.

This is a FINAL JUDGMENT.

Signed this 11<sup>th</sup> day of February, 2009.

  
JOHN D. RAINEY  
UNITED STATES DISTRICT JUDGE