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5 Attorneys for Plaintiff
6 EBAY INC.

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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN JOSE DIVISION**

11
12 EBAY INC.,) Case No. CV 08-04052-EJD-PSG
13)
Plaintiff,) **STIPULATION AND [PROPOSED]**
v.) **ORDER DISMISSING DEFENDANTS**
14) **KESSLER'S FLYING CIRCUS,**
DIGITAL POINT SOLUTIONS, INC.,) **THUNDERWOOD HOLDINGS,**
15 SHAWN HOGAN, KESSLER'S FLYING) **INC., BRIAN DUNNING, AND**
CIRCUS, THUNDERWOOD HOLDINGS,) **BRIANDUNNING.COM WITH**
16 INC., TODD DUNNING, DUNNING) **PREJUDICE**
ENTERPRISE, INC., BRIAN DUNNING,)
17 BRIANDUNNING.COM, and DOES 1-20,)
18)
Defendants.)

Judge: Hon. Edward J. Davila

19
20 Pursuant to Federal Rule of Civil Procedure 41(a)(2), plaintiff eBay Inc. and defendants
21 Kessler's Flying Circus, Thunderwood Holdings, Inc., Brian Dunning, and Briandunning.com
22 (collectively, the "Brian Dunning Defendants") hereby stipulate and request that the Court order
23 that eBay's claims against the Brian Dunning Defendants be dismissed with prejudice. All parties
24 shall bear their own costs and attorneys' fees.

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RESPECTFULLY SUBMITTED,

DATED: May 23, 2014

DAVID R. EBERHART
SHARON M. BUNZEL
O'MELVENY & MYERS LLP

By: /s/ David R. Eberhart
David R. Eberhart

Attorneys for Plaintiff
EBAY INC.

DATED: May 23, 2014

STEPHEN R. COOK
BROWN RUDNICK LLP

By: /s/ Stephen R. Cook
Stephen R. Cook

Attorneys for Defendants
**KESSLER'S FLYING CIRCUS,
THUNDERWOOD HOLDINGS, INC., BRIAN
DUNNING, AND BRIANDUNNING.COM**

ATTESTATION

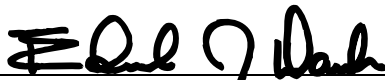
Pursuant to General Order No. 45X(B), I hereby attest that concurrence in the filing of this document has been obtained from each of the above-listed signatories.

DATED: May 23, 2014

By: /s/ David R. Eberhart
David R. Eberhart

Pursuant to the stipulation of the parties named above, IT IS SO ORDERED.

DATED: May 27, 2014



Hon. Edward J. Davila
United States District Judge