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CLERK U.S. DISTRICT COURT
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CLERK, U.S. DISTRICT COURT
OCT 11 2005
CENTRAL DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Beneficial Innovations, Inc.

Plaintiff(s),

v.

Intermix Network, LLC., et. al.

Defendant(s).

CASE NUMBER
CV 05-5803 JFW (JWJx)

NOTICE OF DISMISSAL PURSUANT RULE 41(a) or (c) F.R.Civ.P.

PLEASE TAKE NOTICE: (*Check one*)

☐ This action is dismissed by the Plaintiff(s) in its entirety.

☐ The Counterclaim brought by Claimant(s) _____ is dismissed by Claimant(s) in its entirety.

☐ The Cross-Claim brought by Claimants(s) _____ is dismissed by the Claimant(s) in its entirety.

☐ The Third-party Claim brought by Claimant(s) _____ is dismissed by the Claimant(s) in its entirety.

☒ **ONLY** Defendant(s) Intermix Media, Inc.

is/are dismissed from (*check one*) ☒ Complaint, ☐ Counterclaim, ☐ Cross-claim, ☐ Third-Party Claim brought by Beneficial Innovations, Inc.

The dismissal is made pursuant to Rule 41(a) or (c) of the Federal Rules of Civil Procedure.

10/10/05
Date

Signature of Attorney/Party

NOTE: ***F.R.Civ.P. 41(a): This notice may be filed at any time before service by the adverse party of an answer or of a motion for summary judgment, whichever first occurs.***

F.R.Civ.P. 41(c): Counterclaims, cross-claims & third-party claims may be dismissed before service of a responsive pleading or prior to the beginning of trial.

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DOCKETED ON CM
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BY 12 007

PROOF OF SERVICE

I, Christopher Kennedy, declare as follows:

I am employed in the County of Los Angeles, State of California, and am over the age of 18 years and not a party to the within action. My business address is 201 Santa Monica Boulevard, Suite 600, Santa Monica, CA 90401.

On Octoboer 11, 2005, at Los Angeles, California, following ordinary business practices, I served the following document(s) described as:

Notice of Dismissal Pursuant Rule 41(a) or (c) F.R.Civ.P.

on counsel for the parties in this action, or on the parties in *propia persona*, by placing true and correct copies thereof in individual sealed envelopes, addressed as follows:

Evan Finkel
Pillsbury Winthrop Shaw Pittman
725 South Figueroa St., Suite 2800
Los Angeles, CA 90017

Anthony Stanley
Pillsbury Winthrop Shaw Pittman
725 South Figueroa St., Suite 2800
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Y. Ernest Hsin
Gibson, Dunn & Crutcher LLP
1881 Page Mill Road
Palo Alto, CA 94304

Wayne Barsky
Gibson, Dunn & Crutcher LLP
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☒ (BY MAIL): I am "readily familiar" with this firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. Under that practice, correspondence it would be deposited with the United States Postal Service that same day with postage fully prepaid at a Postal Service collection box at 811 Wilshire Boulevard, Suite 900, Los Angeles, California 90017, in the ordinary course of business. The envelope(s) was sealed and placed for collection that same day following ordinary business practices.

I declare that I am employed by the office of a member of the bar of this court at whose direction the service was made. I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on October 11, at Los Angeles, California.

Christopher Kennedy