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8 *ATTORNEYS FOR PLAINTIFF*

9 **UNITED STATES DISTRICT COURT**

10 **NORTHERN DISTRICT OF CALIFORNIA**

11 **SAN JOSE DIVISION**

12 THINK COMPUTER CORPORATION, a
13 Delaware Corporation,

14 Plaintiff,

15 v.

16 DWOLLA, INC. *et al.*,

17 Defendants.

) Case No. 5:13-cv-02054-EJD

)
) **PLAINTIFF'S NOTICE OF VOLUNTARY**
) **DISMISSAL WITHOUT PREJUDICE OF**
) **DEFENDANT ANDREESSEN HOROWITZ**
) **LLC PURSUANT TO FEDERAL RULE OF**
) **CIVIL PROCEDURE 41(a)(1)(A)(i)**

) Judge Edward J. Davila

1 **PLEASE TAKE NOTICE** that Plaintiff Think Computer Corp. (“Plaintiff”), pursuant to
2 Federal Rule of Civil Procedure 41(a)(1)(A)(i), hereby voluntarily dismisses all claims in this
3 action *without prejudice* as to Defendant Andreessen Horowitz LLC only. This dismissal has no
4 effect on Plaintiff’s claims against the remaining defendants. Plaintiff and defendant Andreessen
5 Horowitz LLC shall bear their own costs and attorney’s fees.

6 Federal Rule of Civil Procedure 41(a)(1)(A)(i) provides:

7
8 (a) Voluntary Dismissal.

9 (1) *By the Plaintiff.*

10 (A) *Without a Court Order.* Subject to Rules 23(e), 23.1(c),
11 23.2, and 66 and any applicable federal statute, the
12 plaintiff may dismiss an action without a court order
 by filing:

13 (i) a notice of dismissal before the opposing party
14 serves either an answer or a motion for summary
 judgment[.]

15 Fed. R. Civ. P. 41(a)(1)(A)(i).

16 Defendant Andreessen Horowitz LLC has not answered Plaintiff’s Complaint or First
17 Amended Complaint, or filed a motion for summary judgment. Accordingly, this defendant may
18 be dismissed without prejudice and without an Order of the Court.

19
20 Dated: August 1, 2013

ASCHENBRENER LAW, P.C.

21 s/ Michael J. Aschenbrener
22 Michael J. Aschenbrener

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CERTIFICATE OF SERVICE

I, Michael Aschenbrener, an attorney, hereby certify that on August 1, 2013, I caused a copy of the foregoing document to be served upon counsel of record via the Court's CM/ECF system.

Dated: August 1, 2013

s/ Michael Aschenbrener
Michael Aschenbrener