

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

AUG 05 2010

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

FRANZ A. WAKEFIELD,  
  
Plaintiff - Appellant,  
  
v.  
  
APPLE, INC.; et al.,  
  
Defendants - Appellees.

No. 10-16550

D.C. No. 5:09-cv-05420-JW  
U.S. District Court for Northern  
California, San Jose

**ORDER**

A review of the record demonstrates that this appeal may be appropriate for summary disposition because the questions on which the decision in the appeal depends may be so insubstantial as not to justify further proceedings. *See* 9th Cir. R. 3-6. Within 21 days after the date of this order, appellant shall show cause why the judgment in this appeal should not be summarily affirmed. Appellee may file a reply to appellant's response within ten days from service of the response. Appellant's failure to comply with this order shall result in the automatic dismissal of this appeal by the Clerk for failure to prosecute. 9th Cir. R. 42-1.

FOR THE COURT:

Molly C. Dwyer  
Clerk of Court

Cyntharee K. Powells  
Deputy Clerk