

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

OCT 06 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**MANDATE**

The judgment of this Court, entered September 14, 2010, takes effect this  
date.

This constitutes the formal mandate of this Court issued pursuant to Rule  
41(a) of the Federal Rules of Appellate Procedure.

FOR THE COURT:

Molly C. Dwyer  
Clerk of Court

/s/

Theresa Benitez  
Deputy Clerk