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13 Attorneys for Plaintiff IconFind, Inc.

14 IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

15 ICONFIND, INC.,

16 Plaintiff,

17 v.

18 GOOGLE INC.,

19 Defendant.

Case No. 2:11-cv-00319-GEB-JFM

**[PROPOSED] ORDER DISMISSING
DEFENDANT'S COUNTERCLAIM
COUNT TWO FOR PATENT
INVALIDITY AND STRIKING ITS
CORRESPONDING SECOND DEFENSE**

20 After considering Plaintiff IconFind, Inc.'s ("IconFind") Motion To Dismiss Pursuant To
21 Federal Rule Of Civil Procedure 12(B)(6) And Motion To Strike Pursuant To Federal Rule Of
22 Civil Procedure 12(F) and IconFind's accompanying Memorandum in Support, IT IS HEREBY
23 ORDERED THAT:
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25 **[PROPOSED] ORDER DISMISSING DEFENDANT'S COUNTERCLAIM COUNT
TWO FOR PATENT INVALIDITY AND STRIKING ITS
26 CORRESPONDING SECOND DEFENSE**

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1. Defendant Google Inc.'s counterclaim Count Two - Declaratory Judgment of Invalidity of the '459 Patent is dismissed for failure to comply with Rule 12(b)(6); and

2. Defendant Google Inc.'s corresponding affirmative defense of patent invalidity (Second Defense) is stricken pursuant to Rule 12(f).

DATE: _____

Judge Garland E. Burrell, Jr.