

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ADVANTAGE BATTERY CORP., INC.,

No. C 08-1827 MMC

Plaintiff,

v.

**ORDER DEEMING MOTION
WITHDRAWN**


STEELSCAPE, INC., et al.,

Defendants

In light of the parties' representations to the Court with respect to their anticipated settlement of the above-titled action, third-party defendant IMSA Acero S.A. de C.V.'s ("IMSA") Motion to Dismiss, filed January 30, 2009, is hereby deemed withdrawn, without prejudice to IMSA's renoticing said motion if the parties fail to reach a settlement.

IT IS SO ORDERED.

Dated: October 30, 2009



MAKINE M. CHESNEY
United States District Judge