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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO**

5 TOUCHSCREEN GESTURES LLC,

6 Plaintiff,

7 v.

8 SAMSUNG ELECTRONICS CO., LTD. ET  
9 AL.,

10 Defendants.

Case No. 3:13-CV-02715-WHA

**~~PROPOSED~~ ORDER GRANTING  
PLAINTIFF'S MOTION FOR LEAVE  
TO FILE A SECOND AMENDED  
COMPLAINT AND DISMISSING  
CERTAIN CLAIMS AND  
COUNTERCLAIMS**


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12 Having considered the parties briefing on this motion, the Court orders as follows:

- 13 1) Plaintiff's Motion to File a Second Amended Complaint against Samsung is  
14 GRANTED. Plaintiff shall file its Second Amended Complaint within three days  
15 of this order.
- 16 2) Plaintiff's claims that Samsung infringes U.S. Patent Nos. 7,319,457, 8,164,575,  
17 7,274,357, and 7,814,031 by Samsung products that were accused or could have  
18 been accused by Plaintiff as the date of Plaintiff's Second Amended Complaint are  
19 hereby dismissed with prejudice.
- 20 3) Defendant Samsung shall serve its Answer to Plaintiff's Second Amended  
21 Complaint within seven days of Plaintiff's filing the Second Amended Complaint.
- 22 4) Defendant Samsung's Answer shall not assert counterclaims regarding U.S. Patent  
23 Nos. 7,319,457, 8,164,575, 7,274,357, or 7,814,031.
- 24 5) Defendant Samsung's counterclaims of non-infringement and invalidity of U.S.  
25 Patent Nos. 7,319,457, 8,164,575, 7,274,357, and 7,814,031 and Samsung's  
26 counterclaim of unenforceability of U.S. Patent No. 8,164,575 are hereby  
27 dismissed without prejudice.

28 IT IS SO ORDERED

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Dated: October 15, 2013

By:   
Hon. William H. Alsup  
United States District Judge

**ORDER GRANTING PLAINTIFF'S MOTION FOR LEAVE TO FILE A SECOND AMENDED COMPLAINT AND DISMISSING CERTAIN CLAIMS AND COUNTERCLAIMS**