

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Deborah Bailey-Wells (114630, deborah.bailey-wells@klgates.com)
Kevin C. Trock (161787, kevin.trock@klgates.com)
Harold H. Davis, Jr. (235552, harold.davis@klgates.com)
KIRKPATRICK & LOCKHART PRESTON GATES ELLIS LLP
55 Second St., Suite 1700
San Francisco, CA 94105
Telephone (415) 882-8200
Fax: (415) 882-8220

Attorneys for Plaintiff HELIO LLC

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

HELIO, LLC,

Plaintiff,

vs.

PALM INC.

Defendant.

Case No. C 06-7754 SBA

**[PROPOSED] ORDER DISMISSING
ACTION WITHOUT PREJUDICE**

1 Having considered Plaintiff Helio LLC's Motion to Dismiss the Court finds that good
2 cause exists to dismiss this action without prejudice on the grounds that (1) Defendant Palm
3 Inc. has begun to wind down the advertising campaign that is the subject of this lawsuit; (2)
4 continuation of this litigation in light of Palm's decision would unnecessarily tax the
5 resources of the parties and this court; and (3) Palm will not be prejudiced as a result of this
6 dismissal. Fed. R. Civ. P., Rule 41(a)(2).

7 It is **HEREBY ORDERED** that this action is dismissed without prejudice.
8

9
10 Dated: _____

Hon. _____
Judge Sandra B. Armstrong