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 Zynga Game Network, Inc.
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12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14 OAKLAND DIVISION

15 PSYCHO MONKEY, LLC,
 16 Plaintiff,
 17 vs.
 18 ZYNGA GAME NETWORK, INC., a
 19 Delaware Corp., and DOES 1-10, inclusive,
 20 Defendants.

CASE NO. 4:09-cv-0603-SBA

**[PROPOSED] ORDER GRANTING
 DEFENDANT ZYNGA GAME
 NETWORK, INC.'S MOTION TO
 DISMISS**

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~~PROPOSED~~ ORDER

Now pending before the Court is Defendant Zynga Game Network, Inc.’s Motion To Dismiss or, in the Alternative, To Strike Portions of Plaintiff Psycho Monkey, LLC’s Amended Complaint. Upon consideration of the supporting and opposing papers, the pleadings in this action and the arguments of counsel, and good cause appearing therefore, IT IS HEREBY ORDERED that

1. Defendant’s Motion To Dismiss is GRANTED.

2. Plaintiff’s third cause of action for unfair competition under California Business and Professions Code § 17200 is dismissed with prejudice to the extent it is premised on the underlying “unlawful” act of alleged copyright infringement, because such claim is completely preempted by the Copyright Act, 17 U.S.C. § 301(a).

3. Plaintiff’s third cause of action for unfair competition under California Business and Professions Code § 17200 is dismissed with prejudice to the extent it is premised on alleged “unfair” conduct, because it fails to state a claim upon which relief can be granted.

IT IS SO ORDERED.

DATED: 5/11/09



Hon. Sandra Brown Armstrong
United States District Judge