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1 The Motion of American Blind & Wallpaper Factory, Inc. to dismiss the Complaint of
2 Plaintiff Google, Inc. came on for hearing on March 29, 2004, at 9:00 a.m., Courtroom 3, the
3 Honorable Jeremy Fogel presiding.

4 After considering the papers in support of and in opposition to the motion and the
5 arguments of counsel, the Court hereby finds that Google, Inc.'s Complaint was an improper
6 declaratory judgment action and was an anticipatory filing, and that American Blind's lawsuit
7 pending in the Southern District of New York will more fully and finally resolve the issues
8 presented in this case. As a result, Defendant American Blind & Wallpaper Factory, Inc.'s
9 motion to dismiss is GRANTED without leave to amend.

10 IT IS SO ORDERED.

11 Date: _____

United States District Court Judge

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