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12 Attorneys for Defendant
 13 APPLE COMPUTER, INC.

14 **UNITED STATES DISTRICT COURT**
 15 **NORTHERN DISTRICT OF CALIFORNIA**
 16 **SAN JOSE DIVISION**

17 **SOMTAI TROY CHAROENSAK and**
 18 **MARIANA ROSEN, Individually, And**
 19 **On Behalf Of All Others Similarly**
 20 **Situated,**

21 **Plaintiffs,**

22 **v.**

23 **APPLE COMPUTER, INC.,**

24 **Defendant.**

25 **Case No. C 05 00037 JW**

26 **CLASS ACTION**

27 **[PROPOSED] ORDER**
 28 **DISMISSING ANTITRUST CLAIMS**

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IT IS HEREBY ORDERED that, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Counts I through V and VII from the Second Amended Complaint of Somtai Troy Charoensak and Mariana Rosen, filed August 28, 2006, are dismissed with prejudice and without leave to amend.

Dated: _____

Hon. James Ware