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 13 APPLE COMPUTER, INC.

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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

13 SOMTAI TROY CHAROENSAK and  
 14 MARIANA ROSEN, Individually, And On  
 15 Behalf Of All Others Similarly Situated,

16 Plaintiffs,

17 v.

18 APPLE COMPUTER, INC.,

19 Defendant.

**Case No. C 05 00037 JW**

**CLASS ACTION**

**DEFENDANT'S NOTICE OF  
 WITHDRAWAL OF MOTION TO  
 DISMISS ANTITRUST CLAIMS OF  
 SECOND AMENDED COMPLAINT OR,  
 ALTERNATIVELY, REQUEST FOR  
 LEAVE TO FILE RULE 56 MOTION ON  
 ANTITRUST CLAIMS**

**DATE:** November 20, 2006  
**TIME:** 9:00 a.m.  
**JUDGE:** Honorable James Ware  
**COURTROOM:** 8

