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United States District Court
For the Northern District of California

E-FILED on 10/09/08

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

RSI CORP., dba RESPONSIVE SYSTEMS
COMPANY, a New Jersey corporation,

Plaintiff,

v.

INTERNATIONAL BUSINESS MACHINES
CORPORATION; and DOE DEFENDANTS
1-20,

Defendants.


No. 5:08-cv-3414 RMW (RS)

ORDER GRANTING DEFENDANT'S
MOTION TO DISMISS OR, IN THE
ALTERNATIVE, STRIKE

[Re Docket No. 33]

For the reasons stated at the hearing, defendant's motion to dismiss is granted with leave to
amend by October 31, 2008.

DATED: 10/08/08



RONALD M. WHYTE
United States District Judge

1 **Notice of this document has been electronically sent to:**

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9 Counsel are responsible for distributing copies of this document to co-counsel that have not
10 registered for e-filing under the court's CM/ECF program.

11 **Dated:** 10/09/08 /s/ JAS
12 Chambers of Judge Whyte