

United States District Court
For the Northern District of California

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E-FILED on 06/15/09

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

E&E CO., LTD., a California corporation

Plaintiff,

v.

DIVATEX HOME FASHION, INC., a New
York corporation, DWI HOLDINGS, INC., a
Delaware corporation, and HIMATSINGKA
AMERICA, Inc., a New York corporation

Defendants.

No. C-08-05660 RMW

ORDER GRANTING DEFENDANTS'
MOTION TO DISMISS

Re Docket No. 23

Defendants DWI Holdings, Inc. and Himatsingka America, Inc. move to dismiss plaintiff E&E Co., Ltd.'s claim for unfair competition in violation of California Business and Professional Code § 17200. The court grants defendants' motion to dismiss because the effect of allowing the case to go forward would be to permit the extra-territorial enforcement of Chinese law, and it does not appear that § 17200 was intended to accomplish that.

DATED: 06/15/09



RONALD M. WHYTE
United States District Judge

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12 **Dated:** 06/15/09

13 JAS
14 **Chambers of Judge Whyte**

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