

1 Robert A. Mittelstaedt #060359
 2 Caroline N. Mitchell #143124
 3 Tracy M. Strong #221540
 4 JONES DAY
 5 555 California Street, 26th Floor
 6 San Francisco, CA 94104
 7 Telephone: (415) 626-3939
 8 Facsimile: (415) 875-5700
 9 ramittelstaedt@jonesday.com
 10 cnmitchell@jonesday.com
 11 tstrong@jonesday.com

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
 22 **Plaintiffs,**
 23
 24 **v.**
 25
 26 **APPLE COMPUTER, INC.,**
 27
 28 **Defendant.**

Case No. C 05 00037 JW
CLASS ACTION

[PROPOSED] ORDER
DISMISSING ANTITRUST CLAIMS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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