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 10 GOOGLE INC.

11 UNITED STATES DISTRICT COURT  
 12 NORTHERN DISTRICT OF CALIFORNIA  
 13 SAN JOSE DIVISION

14 MARY MCKINNEY, Individually and on  
 15 behalf of All others Similarly Situated,

16 Plaintiff,

17 v.

18 GOOGLE INC., a Delaware Corporation;  
 19 HTC CORP., a Delaware Corporation; and T-  
 MOBILE USA, INC., a Delaware  
 20 Corporation,

21 Defendants.

Case No. 5:10-CV-01177-JW

**[PROPOSED] ORDER GRANTING  
 DEFENDANTS GOOGLE INC. AND HTC  
 CORPORATION'S MOTION TO  
 DISMISS PLAINTIFF'S FIRST  
 AMENDED COMPLAINT**

Date: November 1, 2010  
 Time: 9:00 a.m.  
 Dept: 8  
 Judge: Hon. James Ware

1           The Motion to Dismiss Plaintiff’s First Amended Complaint filed by Defendants Google  
2 Inc. and HTC Corporation (“Defendants”) came on regularly for hearing on November 1, 2010,  
3 in Courtroom 8, on the fourth floor of the above-titled United States District Court, at 9:00 a.m.,  
4 the Honorable James Ware presiding. After full consideration of the papers filed in connection  
5 with the motion, the arguments of counsel and all other papers on file in this action, Defendants’  
6 motion to dismiss Plaintiff’s First Amended Complaint is GRANTED without leave to amend.

7           IT IS SO ORDERED.

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DATED: \_\_\_\_\_, 2010

By: \_\_\_\_\_  
          HONORABLE JAMES WARE