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

MARY MCKINNEY, Individually and on
behalf of All Others Similarly Situated,

Plaintiff,

v.

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

Defendants.

CASE NO: 5:10-cv-01177-JW

CLASS ACTION

**[PROPOSED] ORDER DENYING THE
REQUEST FOR JUDICIAL NOTICE
FILED BY DEFENDANTS GOOGLE INC.
AND HTC CORP.**

Date: November 1, 2010
Time: 9:00 a.m.
Courtroom: 8

Judge: Hon. James Ware

[PROPOSED] ORDER

Having considered the Request for Judicial Notice in Support of Defendants Google Inc. and
HTC Corporation’s Motion to Dismiss Plaintiff’s First Amended Complaint, and good cause
appearing, the Court hereby DENIES the Request.

IT IS SO ORDERED.

Dated: _____

UNITED STATES DISTRICT COURT JUDGE
THE HONORABLE JAMES S. WARE

[PROPOSED] ORDER DENYING GOOGLE INC. AND HTC CORP.’S REQUEST FOR JUDICIAL NOTICE