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 13 FLURRY, INC. and
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15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA
 17 SAN JOSE DIVISION

18 In re iPhone Application Litigation

19 Case No. 10-CV-05878 LHK (PSG)

20 **CLASS ACTION**

21 **[PROPOSED] ORDER GRANTING**
 22 **MOBILE INDUSTRY DEFENDANTS'**
 23 **MOTION TO DISMISS FIRST**
 24 **CONSOLIDATED CLASS ACTION**
 25 **COMPLAINT**

1 The Motion to Dismiss Plaintiffs' First Consolidated Class Action Complaint presented by
2 Defendants AdMob, Inc., Flurry, Inc., MobClix, Inc., Pinch Media, Inc., Traffic Marketplace, Inc.,
3 Millennial Media Inc., AdMarvel, Inc., and Quattro Wireless, Inc. (the "Mobile Industry
4 Defendants") was heard on September 1, 2011 at 1:30 p.m. by this Court. Having considered all
5 papers filed in support of and in opposition to the Motion, oral argument of counsel, and all other
6 pleadings and papers on file herein, the Court finds as follows:

7 1. Plaintiffs lack standing under Article III of the United States Constitution and
8 California's Unfair Competition Law to pursue their claims in this Court.

9 2. Plaintiffs' Complaint fails to satisfy the pleading requirements of Rule 8(a) of the
10 Federal Rules of Civil Procedure.

11 3. Each of Plaintiffs' separate claims against the Mobile Industry Defendants fails to
12 state a claim upon which relief can be granted.

13 Good cause appearing therefor, **IT IS HEREBY ORDERED THAT:**

14 1. The Mobile Industry Defendants' Motion to Dismiss Plaintiffs' First Consolidated
15 Class Action Complaint is **GRANTED**; and

16 2. All claims for relief against the Mobile Industry Defendants are hereby **DISMISSED**
17 with prejudice without leave to amend.

18
19 Dated:

The Honorable Lucy H. Koh
United States District Judge