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 13 FLURRY, INC. and  
 14 PINCH MEDIA, INC.

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 **DECLARATION OF S. ASHLIE BERINGER**  
 22 **IN SUPPORT OF MOBILE INDUSTRY**  
 23 **DEFENDANTS' NOTICE OF MOTION AND**  
 24 **MOTION TO DISMISS FIRST**  
 25 **CONSOLIDATED CLASS ACTION**  
 26 **COMPLAINT**

