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7  
 8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA  
 10 OAKLAND DIVISION

12 GOOGLE INC.,

13 Plaintiff,

14 v.

15 ROCKSTAR CONSORTIUM US LP and  
 16 MOBILESTAR TECHNOLOGIES LLC,

17 Defendants.

CASE NO. 13-cv-5933-CW

**STATEMENT OF RECENT DECISION  
(L.R. 7-3(d))**

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1 Under Local Rule 7-3(d), Plaintiff Google Inc. (“Google”) files this notice regarding  
2 today’s order by the United States Court of Appeals for the Federal Circuit in *In re Nintendo of*  
3 *America, Inc., et al.*, No. 2014-132 (Fed. Cir. June 25, 2014), Docket No. 35. In its *Nintendo*  
4 order, the Court of Appeals ruled on a petition for writ of mandamus from *Secure Access, LLC v.*  
5 *Nintendo of Am. Inc.*, No. 13-32, 2014 WL 986169 (E.D. Tex. Mar. 7, 2014), which Rockstar cited  
6 in its renewed motion to transfer this action to support its argument that defendant-specific  
7 damages issues warrant transfer. (Docket. No. 67 at 14 n.19, 15.) The *Nintendo* Court stated:

8 Secure Access nonetheless contends that severance should be denied so that it may  
9 pursue, and have its choice of, the highest royalty rate among the defendants. This  
10 argument is outweighed, as in *Katz*, where we held that ‘[a]lthough there may be  
11 additional issues involving the defendants in [the customer] action, their  
prosecution will be advanced if [the plaintiff] is successful on the major premises  
being litigated in [the manufacturer litigation], and may well be mooted if [the  
plaintiff] is unsuccessful.’ 909 F.2d at 1464.

12 *Nintendo*, at 5 (alterations in original). A copy of the Slip Opinion is attached as Exhibit A.

13 DATED: June 25, 2014

Respectfully submitted,

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15 By /s Matthew S. Warren

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