

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

APPLE INC.,

Plaintiff,

vs.

High Tech Computer Corp., a/k/a HTC Corp.,
HTC (B.V.I.) Corp., HTC America, Inc.,
Exedea, Inc.,

Defendants.

CA No. 10-00167-RK

JURY TRIAL DEMANDED

[PROPOSED] ORDER

AND NOW, this ____ day of _____, 2010, upon consideration of the Motion to Dismiss Count VIII of Complaint Pursuant to Rule 12(b)(6) by Defendants High Tech Computer Corp., a/k/a HTC Corp., HTC (B.V.I.) Corp., HTC America, Inc., and Exedea, Inc. (D.I. 27) and Apple Inc.'s Opposition To Defendants' Motion To Dismiss (D.I. 39), it is hereby **ORDERED** that Defendants' Motion to Dismiss is **DENIED AS MOOT**.

BY THE COURT:

Robert F. Kelly
Senior District Judge
United States District Court