

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

APPLE INC.,

Plaintiff,

v.

HIGH TECH COMPUTER CORP., a/k/a
HTC CORP., HTC (B.V.I.) CORP., HTC
AMERICA, INC., and EXEDEEA, INC.,

Defendants.

C.A. No. 10-00167-RK

**HTC DEFENDANTS' NOTICE OF WITHDRAWAL OF MOTION TO DISMISS
COUNT VIII OF COMPLAINT (D.I. 26) WITHOUT PREJUDICE DUE TO MOOTNESS**

Defendants High Tech Computer Corp., a/k/a HTC Corp., HTC America, Inc., HTC (B.V.I.) Corp., and Exedeaa, Inc. (collectively "HTC") hereby withdraw without prejudice the Motion to Dismiss Count VIII of the Complaint (D.I. 26). HTC moved to dismiss that count because the '453 patent asserted therein had no validly issued claims. Apple has since filed a First Amended Complaint (D.I. 38) which omits any allegations that HTC infringes the '453 patent. Because Apple's amendment has provided all of the relief sought through the Motion, HTC agrees that the Motion is now moot, and therefore withdraws the Motion without prejudice.

June 28, 2010

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CERTIFICATE OF SERVICE

I, Karen L. Pascale, Esquire, hereby certify that on June 28, 2010, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification of such filing to the following counsel of record:

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I further certify that on June 28, 2010, I caused a copy of the foregoing document to be served by e-mail on the above-listed counsel and on the following non-registered participants in the manner indicated:

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