

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

MCAFEE, INC.,

Plaintiff,

v.

WILMER CUTLER PICKERING
HALE AND DORR LLP,

Defendant.

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Civil Action No. 4:08-CV-160

**DEFENDANT WILMER CUTLER PICKERING HALE AND DORR'S
NOTICE THAT PENDING MOTION TO DISMISS IS MOOT**

The Court's July 1, 2008 Order granting leave for plaintiff McAfee to file its Third Amended Complaint (Dkt. #27) moots the pending motion to dismiss (Dkt. #7) the prior complaint. Pursuant to Fed. R. Civ. P. 15(a)(3), WilmerHale will move to dismiss or otherwise respond to the Third Amended Complaint within ten days, by July 16, 2008. WilmerHale will hand-serve its papers on McAfee, and McAfee's response will be due in twelve days, by July 28. WilmerHale suggested to McAfee yesterday that the parties jointly propose this briefing schedule to the Court, but McAfee declined.

Dated: July 3, 2008

Respectfully submitted,

Of Counsel:

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Certificate of Service

I certify on this 3rd day of July, 2008, a true copy of this notice was filed and served electronically on all counsel of record by e-filing and/or facsimile.

/s/ Shawn M. Bates

Shawn M. Bates