1		The Hon. Ricardo S. Martinez
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8	UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON	
9	AT SEATTLE	
10	MICROSOFT CORPORATION, a Washington corporation,	No. C07-0936RSM
11	Plaintiff,	[PROPOSED] ORDER GRANTING PLAINTIFF'S MOTION FOR
12	v.	PARTIAL SUMMARY JUDGMENT REGARDING DEFENDANT
13	IMMERSION CORPORATION, a Delaware corporation,	IMMERSION'S AFFIRMATIVE DEFENSES
14	Defendant.	
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16	THIS MATTER came before the Court on Plaintiff's Motion for Partial Summary	
17	Judgment Regarding Defendant Immersion's Affirmative Defenses ("Motion"). The Court	
18	has fully considered the documents filed in support of and in opposition to the Motion,	
19	including:	
20	1. Plaintiff Microsoft's Motion for Partial Summary Judgment Regarding	
21	Immersion's Affirmative Defenses;	
22	2. Declaration of Wendy E. Lyon in Support of Microsoft's Motion for	
23	Partial Summary Judgment on Breach of Contract;	
24	3. Declaration of Steve McC	erath;
25		
26	[PROP.] ORDER GRANTING PLNTF'S MOTION FOR PART. SUMM. JUDGMNT RE AFFIRMATIVE DEFENSES (NO. C07-0936RSM)- 1 4839-4428-1858.01 062608/1528/20363.00411 Riddell Williams P.S. 1001 FOURTH AVENUE SUITE 4500 SEATTLE, WA 98154-1192 206.624.3600	

1	4. Defendant's Response in Opposition to Plaintiff's Motion for Partial		
2	Summary Judgment Regarding Immersion's Affirmative Defenses;		
3	5. Declaration of;		
4	6. Reply in Support of Plaintiff's Motion for Partial Summary Judgment		
5	Regarding Immersion's Affirmative Defenses;		
6	7.		
7	8.		
8	The Court has/has not also considered the argument of counsel. Based on the		
9	foregoing, IT IS HEREBY ORDERED THAT:		
10	Microsoft's Motion for Partial Summary Judgment Regarding Immersion's		
11	Affirmative Defenses is GRANTED. Immersion's affirmative defenses for Champerty and		
12	Maintenance, Frustration of Purpose, Illegality, Violation of Public Policy, Unclean Hands,		
13	Unjust Enrichment, and Unconscionability are hereby dismissed with prejudice.		
14	DATED this day of, 2008.		
15			
16	The Honorable Ricardo S. Martinez United States District Court Judge		
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18	PRESENTED BY:		
19	/s/ Paul J. Kundtz		
20	Paul J. Kundtz, WSBA #13548 Blake Marks-Dias, WSBA #28169		
21	Wendy E. Lyon, WSBA #34461 Riddell Williams P.S.		
22	1001 Fourth Avenue, Suite 4500 Seattle, WA 98154		
23	Tel: (206) 624-3600;Fax: (206) 389-1708 <u>wlyon@riddellwilliams.com</u>		
24	Attorneys for Plaintiff		
25	MICROSOFT CORPORATION		
26			
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