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APPLE INC.  
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14 Attorneys for Defendants  
AMAZON.COM, INC., a Delaware  
15 corporation, and AMAZON DIGITAL  
SERVICES, INC., a Delaware corporation  
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17 UNITED STATES DISTRICT COURT  
18 NORTHERN DISTRICT OF CALIFORNIA  
19

20 APPLE INC.,  
21 Plaintiff,  
22 v.  
23 AMAZON.COM, INC., et al.,  
24 Defendants.

No. 11-cv-01327 PJH  
Action Filed: March 18, 2011  
[PROPOSED] ORDER DISMISSING  
ACTION

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WHEREAS, Apple Inc. (“Apple”) sued Amazon.com and Amazon Digital Services, Inc. (“Amazon”) on March 18, 2011 in Civil Action No. 11-cv-01327 PJH in the United States District Court for the Northern District of California (“the Complaint”) claiming that Amazon’s use of Appstore infringed Apple’s rights in App Store, and;

WHEREAS, Amazon filed an answer and counterclaim for declaratory relief of non-infringement on April 25, 2011 (“the Counterclaim”), and;

WHEREAS, Apple issued to Amazon a covenant not to sue (“the Covenant”) on June 28, 2013, and wishes to have the Complaint dismissed with prejudice, and;

WHEREAS, the Covenant issued by Apple to Amazon renders the Counterclaim moot and, therefore, Amazon wishes to have the Counterclaim dismissed without prejudice;

THEREFORE, the parties request that the Court enter this Order accomplishing those dismissals.

DATED: July 8, 2013.

DAVID R. EBERHART  
DAVID J. SEPANIK  
O’MELVENY & MYERS LLP

By:                 /s/ David R. Eberhart                  
                DAVID R. EBERHART

Attorneys for Plaintiff  
APPLE INC.

DATED: July 8, 2013.

MARTIN R. GLICK  
DANIEL B. ASIMOW  
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By:                 /s/ Martin R. Glick                  
                MARTIN R. GLICK

Attorneys for Defendants AMAZON.COM, INC., a Delaware corporation, and AMAZON DIGITAL SERVICES, INC., a Delaware corporation

1 IT IS SO ORDERED.

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DATED: July 9, 2013.

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