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17 United States District Court for the  
18 Northern District of California

19 THE MAGNAVOX COMPANY, a Corpora-  
20 tion, and SANDERS ASSOCIATES,  
21 INC., a Corporation,

22 Plaintiffs,

23 vs.

24 ACTIVISION, INC., a Corporation,

25 Defendant.

No. C 82 5270 TEH

PLAINTIFFS' PROPOSED  
FORM OF ORDER ON  
MOTION TO DISMISS  
SECOND  
COUNTERCLAIM

26 The Court having considered plaintiffs' motion to  
27 dismiss defendant's second counterclaim under Rule 12,  
28 F.R.Civ.P., and it appearing to the Court that good cause  
has been shown in support of plaintiffs' motion:

NOW, THEREFORE, IT IS ORDERED:

That defendants' motion to dismiss is hereby

PLAINTIFFS' PROPOSED FORM  
OF ORDER ON MOTION TO  
DISMISS SECOND COUNTERCLAIM

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granted and the Second Counterclaim alleged in paragraphs 13 through 36 of defendant's Answer and Counterclaims and prayers 2, 3 and 4 insofar as they relate to U.S. patent 3,728,480 are hereby dismissed for lack of jurisdiction over the subject matter and for failure to state a claim upon which relief can be granted.

\_\_\_\_\_, 198 \_\_\_\_\_  
UNITED STATES DISTRICT JUDGE