

Case No. 14-72745

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

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IN RE ADOBE SYSTEMS, INC.,  
APPLE INC., GOOGLE INC., and INTEL CORP.

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ADOBE SYSTEMS, INC., APPLE INC., GOOGLE INC., and  
INTEL CORP., Defendants-Petitioners,

v.

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF CALIFORNIA, Respondent,

MICHAEL DEVINE, MARK FICHTNER, SIDDHARTH HARIHARAN,  
BRANDON MARSHALL, and DANIEL STOVER,  
Plaintiffs-Real Parties in Interest.

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From the United States District Court  
Northern District of California  
The Honorable Lucy H. Koh, Presiding  
Case No. 5:11-2509-LHK

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**UNOPPOSED MOTION TO DISMISS  
PETITION FOR WRIT OF MANDAMUS**

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signature pages

As indicated in Petitioners' January 13, 2015 letter to the Clerk of the Court, the parties have reached a new settlement agreement. In light of the new settlement and Plaintiffs' motion for preliminary approval of the new settlement, which has now been filed with the district court, Petitioners respectfully request that the petition for a writ of mandamus be dismissed.

Petitioners have conferred with Plaintiffs (including plaintiff Michael Devine, who is represented by his own counsel). Plaintiffs consent to the dismissal of the petition, and agree that each party will bear its own costs. All fees due the Clerk have been paid. *See* Fed. R. App. P. 42(b).

Respectfully submitted.

Dated: January 30, 2015

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Dated: January 30, 2015

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**ATTESTATION:** The filer attests that concurrence in the filing of this document has been obtained from all signatories.

## CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing document with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on January 30, 2015.

Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

I further certify that I have mailed the foregoing document by First-Class Mail, postage prepaid, to the following:

Honorable Lucy H. Koh  
United States District Court  
Robert F. Peckham Federal Building  
280 S. First Street  
San Jose, CA 95113

I declare under penalty of perjury under the laws of the State of California and the United States that the above is true and correct.

Executed on January 30, 2015, at San Francisco, California.

/s/ Michael F. Tubach

Michael F. Tubach