

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

APPLE INC.,

Plaintiff,

v.

HIGH TECH COMPUTER CORP., a/k/a
HTC CORP., HTC (B.V.I.) CORP., HTC
AMERICA, INC., and EXEDEA, INC.,

Defendants.

C.A. No. 10-00167-RK

**MOTION TO DISMISS COUNT VIII OF COMPLAINT PURSUANT TO RULE 12(b)(6)
BY DEFENDANTS HIGH TECH COMPUTER CORP., a/k/a HTC CORP., HTC (B.V.I.)
CORP., HTC AMERICA, INC., AND EXEDEA, INC.**

Defendants High Tech Computer Corp., a/k/a HTC Corp., HTC America, Inc., HTC (B.V.I.) Corp., and Exedea, Inc. (collectively “HTC”), by and through their respective undersigned attorneys and pursuant to Federal Rule of Civil Procedure 12(b)(6), hereby move this Court to dismiss Count VIII of Plaintiff Apple, Inc.’s Complaint (D.I. 1). The grounds for this motion are set forth in HTC’s Opening Brief in Support of the Motion to Dismiss Count VIII of the Complaint Pursuant to Rule 12(b)(6) and the Request for Judicial Notice, filed contemporaneously herewith.

June 4, 2010

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CERTIFICATE OF SERVICE

I hereby certify that on June 4, 2010, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification of such filing to the following counsel of record:

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I further certify that on June 4, 2010, I caused a copy of the foregoing document to be served by e-mail on the above-listed counsel and on the following non-registered participants in the manner indicated:

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