UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

AUTHENTEC, INC., a Delaware corporation,

Plaintiff,

v.

ATMEL CORPORATION, a Delaware corporation; ATMEL SWITZERLAND, a corporation; ATMEL FRANCE, a corporation; and ATMEL SARL, a corporation,

Defendants.

ATMEL CORPORATION, a Delaware corporation; ATMEL SWITZERLAND, a corporation; ATMEL FRANCE, a corporation; and ATMEL SARL, a corporation,

Counterclaimants,

v.

AUTHENTEC, INC., a Delaware corporation,

Counterclaim-Defendants.

Case No. C 07-03331 CW

[PROPOSED] ORDER DISMISSING PLAINTIFF AUTHENTEC, INC.'S UNENFORCEABILITY AND TORT CLAIMS

This matter comes before the Court on the Motion of Defendants Atmel Corporation, Atmel Switzerland, Atmel France and Atmel SARL (collectively "Atmel) to Dismiss Plaintiff AuthenTec, Inc.'s unenforceability and tort claims (Counts 5-7) pursuant to FED. R. CIV. P. 12(b)(6). The Court, having reviewed and considered the parties' respective briefing and arguments in this matter and all relevant factual statements therein, hereby GRANTS Plaintiffs' Motion to Dismiss.

Accordingly, it is hereby ORDERED that AuthenTec, Inc.'s unenforceability claim (Count 5) and tort claims of Interference by Atmel with AuthenTec Business Relationship and Abuse of Process (Counts 6 and 7) are dismissed with prejudice.

Dated: _____

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Claudia Wilken
U.S. District Judge