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December 9, 2005

The Honorable Phyllis J. Hamilton  
United States District Court  
450 Golden Gate Avenue  
San Francisco, California 94102

OUR FILE NUMBER  
027,559-121

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**Re: Apple Computer, Inc. v. Schwartzstein, C-04-5383 PJH**

Your Honor:

I write to inform the Court that Apple and the last remaining named defendant, Schwartzstein, have reached a settlement of this matter. We are in the process of obtaining final signatures on all of the necessary documents. We anticipate being able to provide the Court with a proposed form of Judgment by Tuesday, December 13, 2005.

Thank You.

Respectfully,

Sharon M. Bunzel  
for O'MELVENY & MYERS LLP

cc: Matthew Durket (via electronic mail)