

NOTE: This order is nonprecedential.

**United States Court of Appeals  
for the Federal Circuit**

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**MARTIN GARDNER REIFFIN,**  
*Plaintiff-Appellant,*

v.

**MICROSOFT CORPORATION, WILLIAM H. GATES,  
III, AND STEVEN A. BALLMER,**  
*Defendants-Appellees.*

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2012-1140

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Appeal from the United States District Court for the  
Northern District of California in case no. 11-CV-3505,  
Judge Charles R. Breyer.

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**ON MOTION**

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**O R D E R**

Microsoft Corporation moves to dismiss the current appeal as premature. Martin Gardner Reiffin opposes. Microsoft replies. Reiffin moves for leave to file a surreply.

Subsequently, on April 16, 2012, the district court entered final judgment in the underlying action. Reiffin filed another appeal, 2012-1357, and within that notice of

appeal states that he withdraws this appeal, 2012-1140. We treat that statement as a withdrawal of his opposition to the motion to dismiss 2012-1140.

Accordingly,

IT IS ORDERED THAT:

The motions are granted. Appeal 2012-1140 is dismissed.

For The Court

JUN 11 2012

Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk

cc: Joseph L. Spiegel, Esq.  
Todd M. Siegel, Esq.

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**FILED**  
U.S. COURT OF APPEALS FOR  
THE FEDERAL CIRCUIT

JUN 11 2012

JAN HORBALY  
CLERK

ISSUED AS A MANDATE: JUN 11 2012