

FEDERAL COURT

Date: 20060412

Court File No. T-413-06

Ottawa, Ontario, April 12th , 2006

PRESENT: PROTHONOTARY MIREILLE TABIB**BETWEEN:****DESTINY MEDIA TECHNOLOGIES, INC. and
DESTINY SOFTWARE PRODUCTIONS, INC.**

Plaintiffs

- and -

MUSICRYPT INC.

Defendant

ORDER

UPON MOTION by the Plaintiffs, for an order setting aside service of the Statement of Claim, requiring the Plaintiffs to give security for costs, and deeming the service of the Statement of Claim effective upon giving such security for costs;

AND UPON CONSIDERING the notice of motion, the affidavit of Geoffrey Langen, the consent of the parties to the order sought and the written submissions of the Plaintiffs;

THIS COURT ORDERS:

1. The service of the Statement of Claim on the Defendant of March 8, 2006 be and the same is hereby set aside.

2. The Plaintiffs are required, pursuant to subsection 60(3) of the *Patent Act*, to give security for costs in the amount of \$10,000.00 within 14 days of the date of this Order, by paying said amount into Court pursuant to Rule 149, or by filing either a bond of surety of a qualified guarantor or an irrevocable letter of credit from an accredited financial institution in said amount pursuant to Rule 418(b).
3. Service of the Statement of Claim on the Defendant shall be deemed effective as of the date that notice is provided to Ridout & Maybee LLP, counsel for the Defendant, that paragraph 2 has been complied with.
4. Leave is granted to the Defendant to apply, if and when necessary, for an increase in the amount of security for costs.
5. There shall be no costs of this motion.

"Mireille Tabib"
Prothonotary