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16 UNITED STATES DISTRICT COURT  
 17 NORTHERN DISTRICT OF CALIFORNIA  
 18 SAN FRANCISCO DIVISION

19 KEVIN KEITHLEY and TREN  
 TECHNOLOGIES HOLDINGS, LLC,

20 Plaintiffs,

21 v.

22 THE HOMESTORE.COM, INC., et al.,

23 Defendants.  
 24

CASE No. C03-04447 SI (EDL)

**STIPULATION AND [PROPOSED] ORDER  
 REGARDING STATISTICS**



1 (3) The parties stipulate that these statistics as found in the above-referenced URLs, also  
2 attached as Exhibits A and B hereto, may be considered by the Court in this case as the Court deems  
3 necessary as if they had been attached as exhibits to Plaintiffs' Opposition. The parties stipulate,  
4 however, that Defendants may challenge Exhibits A and B hereto as they normally would be entitled  
5 to do, including preserving all rights under the Federal Rules of Evidence including whether or not  
6 these reports were actually published by the USPTO.<sup>1</sup>

7  
8 Dated: October 30, 2008

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

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10  
11 By: \_\_\_\_\_ /s/  
12 Scott R. Mosko  
13 Attorney for Plaintiffs  
Kevin Keithley and TREN  
Technologies Holdings, LLC\

14 SYNDER, MILLER & ORTON LLP

15  
16 By: \_\_\_\_\_ /s/  
17 Bruce J. Rose  
18 Attorneys for Defendants  
19 Homestore.com, Inc;  
The National Association of Realtors; and  
The National Association of Home Builders of the  
United States

20  
21 I declare under penalty of perjury that Defendants' counsel has authorized me to file this  
22 stipulation with counsel's signature.

23 \_\_\_\_\_ /s/  
24 Scott R. Mosko

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27  
28 <sup>1</sup> Defendants take no position as to the authenticity of these documents or the statistics they purport to contain therein.

**[PROPOSED] ORDER**

The Court hereby enters into the record Exhibits A and B attached to the Parties' Stipulation, corresponding to the reports cited on page thirteen of Plaintiffs' Opposition to Defendants' Motion for Partial Summary Judgment Regarding Willfulness (Dkt. 805) filed October 24, 2008.

IT IS SO ORDERED



Dated:

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Hon. Susan Illston  
United States District Judge

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