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Attorneys for Defendant, AZOOGLEADS.COM, INC.

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**ASIS INTERNET SERVICES**, a California corporation,

Plaintiff,

vs.

**OPTIN GLOBAL, INC.**, a Delaware Corporation, also dba Vision Media Limited Corp., USA Lenders Network, USA Lenders, and USA Debt Consolidation Service; et al.,

Defendants.

Case No. C-05-5124 JCS

**STIPULATION AND [PROPOSED]—  
ORDER REGARDING RE-  
DESIGNATION AND USE OF  
DOCUMENTS PRODUCED BY  
GOOGLE INC.**

1           WHEREAS on December 14, 2005, the parties to this action entered into a  
2 Stipulated Protective Order, which the Court entered as an order on December 16, 2005  
3 (the "Protective Order");

4           WHEREAS the Protective Order defines Confidential Information as:

5           Information (regardless of how generated, stored or maintained) or tangible things  
6 that qualify for protection under standards developed under F.R.Civ.P. 26(c) and  
7 other applicable confidentiality law;

8           WHEREAS the Protective Order defines Highly Confidential – Attorneys' Eyes  
9 Only Information ("AEO") as:

10           Extremely sensitive "Confidential Information or Items" whose disclosure to  
11 another Party or nonparty would create a substantial risk of serious injury that  
12 could not be avoided by less restrictive means;

13           WHEREAS Google Inc. ("Google") produced documents including invoices,  
14 service contracts, and emails in response to a third-party subpoena for documents  
15 issued by Defendant Azoogles.com, Inc. ("Azoogles"), all of which except for a Postini,  
16 Inc. service manual, Google designated as AEO (the "Documents");

17           WHEREAS pursuant to the Protective Order, even after the termination of this  
18 action, the confidentiality obligations imposed remain in effect until the designating party  
19 agrees otherwise in writing, or a court order otherwise directs;

20           WHEREAS Azoogles represents that Plaintiff ASIS Internet Services ("ASIS") is  
21 currently prosecuting several other cases that are nearly identical to the current action;

22           WHEREAS Azoogles believes the Documents are relevant to dispositive issues in  
23 ASIS's other lawsuits;

24           WHEREAS on June 5, 2008, Google and Azoogles reached an agreement  
25 regarding the re-designation and disclosure of the Documents;

26           WHEREAS Google conditionally consents to the use of the Documents in other  
27 actions, subject to Google's review of the governing protective order, and subject to a  
28 designation of the Documents as CONFIDENTIAL in that respective action;

///

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San Francisco, CA 94108  
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1 NOW THEREFORE, AZOOGLE AND GOOGLE, THROUGH THEIR  
2 RESPECTIVE COUNSEL, HEREBY STIPULATE AS FOLLOWS:

3 1. All Documents produced by Google shall be re-designated as Confidential,  
4 from their prior AEO designation.

5 2. Google shall permit the disclosure and use of the Documents in connection  
6 with other legal actions, provided that a) any such other legal action is governed by a  
7 protective order that is substantially as protective as the Protective Order, and b) the  
8 Documents are designated with a CONFIDENTIAL designation or the equivalent in any  
9 such other legal action.

10 3. Prior to the disclosure in connection with another legal action, Google shall  
11 be given the opportunity to review the related protective order and shall have ten (10)  
12 days to object to it on the basis that it is not substantially as protective of the documents  
13 as the Protective Order.

14 IT IS SO STIPULATED:

15 DATED: September 2, 2008

**KRONENBERGER BURGOYNE, LLP**

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17  
18 By: 

Henry M. Burgoyne, III  
Attorneys for Defendant  
AZOOGLEADS.COM, INC.

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22 DATED: July \_\_\_\_, 2008

**GOOGLE INC.**

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24  
25 By: \_\_\_\_\_

Nicole Wong  
Attorney for third-party  
GOOGLE INC.

1 NOW THEREFORE, AZOOGLE AND GOOGLE, THROUGH THEIR  
2 RESPECTIVE COUNSEL, HEREBY STIPULATE AS FOLLOWS:

3 1. All Documents produced by Google shall be re-designated as Confidential,  
4 from their prior AEO designation.

5 2. Google shall permit the disclosure and use of the Documents in connection  
6 with other legal actions, provided that a) any such other legal action is governed by a  
7 protective order that is substantially as protective as the Protective Order, and b) the  
8 Documents are designated with a CONFIDENTIAL designation or the equivalent in any  
9 such other legal action.

10 3. Prior to the disclosure in connection with another legal action, Google shall  
11 be given the opportunity to review the related protective order and shall have ten (10)  
12 days to object to it on the basis that it is not substantially as protective of the documents  
13 as the Protective Order.

14 IT IS SO STIPULATED:

15 DATED: July \_\_, 2008

**KRONENBERGER BURGOYNE, LLP**

16  
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18 By: \_\_\_\_\_

19 Henry M. Burgoyne, III  
20 Attorneys for Defendant  
AZOOGLEADS.COM, INC.

21  
22 DATED: <sup>August</sup> July 27, 2008

**GOOGLE INC.**

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24  
25 By: \_\_\_\_\_

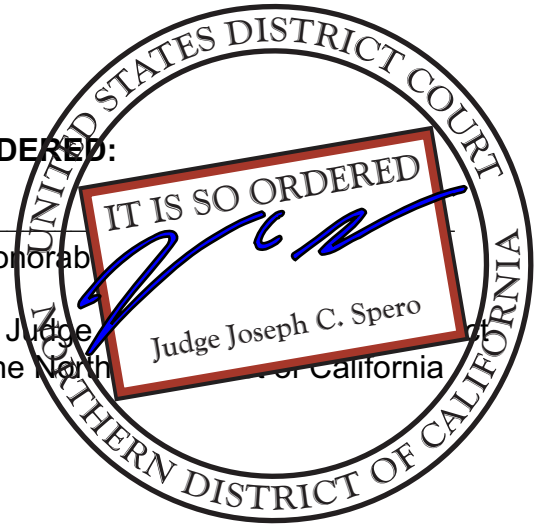
26 *Stacey Wexler*  
~~Nicole Wong~~  
27 Attorney for third-party  
28 GOOGLE INC.

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**PURSUANT TO THE STIPULATION, IT IS SO ORDERED:**

DATED: 9/4/08

The Honorable  
Magistrate Judge  
Court for the North



**ATTESTATION OF CONCURRENCE IN FILING**

Pursuant to N.D. Cal. General Order No. 45, section 45X(B), I, Henry M. Burgoyne, III, hereby attest that concurrence in the filing of this stipulation and proposed order has been obtained from counsel for third-party, Google Inc., who has provided the conformed signature above.

DATED: September 2, 2008

**KRONENBERGER BURGOYNE, LLP**

By: 

Henry M. Burgoyne, III  
Attorneys for Defendant  
AZOOGLEADS.COM, INC.

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