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7 Attorneys for Plaintiff
 OPTIMAL MARKETS, INC.

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9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 SAN FRANCISCO DIVISION

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13 OPTIMAL MARKETS, INC.,

14 Plaintiff,

15 v.

16 FTI CONSULTING, INC., AUCTION
 TECHNOLOGIES, LLC, AUCTION
 17 TECHNOLOGIES, INC., XONOMIC INC.,
 DAVID SALANT, HAROLD LEA, PAUL
 18 MILGROM, and DOES 1-10,

19 Defendants.

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21 DAVID SALANT, HAROLD LEA, PAUL
 MILGROM, AUCTION TECHNOLOGIES,
 22 LLC, AUCTION TECHNOLOGIES, INC.,

23 Counterclaimants,

24 v.

25 OPTIMAL MARKETS, INC.,

26 Counterdefendant.

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Case No. 08-05765-SC

**NOTICE OF SUBSTITUTION OF
 COUNSEL AND [PROPOSED]
 ORDER**

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 NOTICE IS HEREBY GIVEN that, effective immediately, counsel of record for plaintiff
3 and counterdefendant Optimal Markets, Inc. has changed.

4 Optimal Markets, Inc. hereby substitutes Michael A. Jacobs, Shane Brun and
5 Alexei Klestoff of the law firm of Morrison & Foerster LLP, 425 Market Street, San Francisco,
6 California, 94105, telephone (415) 268-7000, in place and stead of James P. Martin, Matthew J.
7 Gluck, and Felicia A. Draper of Shartsis Friese LLP, One Maritime Plaza, Eighteenth Floor, San
8 Francisco, CA 94111, as its attorneys of record in this action.

9 We consent to the above substitution.

10 Dated: March 5, 2009

OPTIMAL MARKETS, INC.

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By /s/ David Moshal
David Moshal

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We agree to the above substitution.

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Dated: March 5, 2009

SHARTSIS FRIESE LLP

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By /s/ James P. Martin
James P. Martin

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We accept the above substitution.

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Dated: March 5, 2009

MORRISON & FOERSTER LLP

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By /s/ Michael A. Jacobs
Michael A. Jacobs

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IT IS SO ORDERED.

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Dated: March 5, 2009

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E-Filing Attestation: I, Michael A. Jacobs, am the ECF User whose ID and password are being used to file this Substitution of Counsel. In compliance with General Order 45, X.B., I hereby attest that David Moshal and James P. Martin have concurred in this filing.