

1 [SEE SIGNATURE PAGE FOR COUNSEL]

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

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12 GOOGLE INC., AOL LLC, YAHOO! INC., IAC
13 SEARCH & MEDIA, INC., and LYCOS, INC.,
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15 Plaintiffs,
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17 v.
18 L. DANIEL EGGER, SOFTWARE RIGHTS
19 ARCHIVE, LLC, and SITE TECHNOLOGIES,
20 INC.,
21
22 Defendants.

Case No. C-08-03172-RMW

**AGREED RULE 7-11 MOTION
TO CONSOLIDATE PENDING
MOTIONS AND ASSIGN
RELATED MISCELLANEOUS
ACTION TO THIS COURT**

Judge: Hon. Ronald M. Whyte

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1 Currently before this Court in this action are:

- 2 • Defendants' Motion to Dismiss, Transfer or Stay ("Motion to Dismiss"), filed on
- 3 November 10, 2008;
- 4 • Plaintiffs' Motion to Strike Site Technologies, Inc.'s Motion to Dismiss, Transfer
- 5 or Stay ("Motion to Strike"), filed on January 20, 2009; and
- 6 • Defendants' L. Daniel Egger and Software Rights Archive LLC's ("SRA") Motion
- 7 to Quash Plaintiff's 30(b)(6) Notice of Deposition and for Protection ("Motion to
- 8 Quash"), filed on January 20, 2009.

8 Currently before this Court (Judge Fogel and Judge Trumbull) in Miscellaneous Action
9 No. C-09-80004 are:

- 10 • Yahoo!'s Motion to Compel Compliance with Yahoo!'s Subpoena on Murray &
- 11 Murray P.C. ("Motion to Compel Murray"), filed on January 20, 2009;
- 12 • Yahoo!'s Motion to Compel Compliance with Yahoo!'s Subpoena on Wilson,
- 13 Sonsini, Goodrich & Rosati ("Motion to Compel WSGR"), filed on January 20,
- 14 2009.

14 The Motion to Quash, Motion to Compel Murray, and Motion to Compel WSGR are
15 scheduled for hearing before Judge Trumbull on February 24, 2009. The Motion to Dismiss and
16 Motion to Strike are scheduled for hearing before this Court three days later, on February 27,
17 2009.

18 Plaintiffs contend this action and the miscellaneous action are related. The miscellaneous
19 action relates to *Software Rights Archive, LLC v. Google Inc., et al.*, Case No. 2:07-cv-511 (CE)
20 (E.D. Tex.) (the "SRA case"), a case involving similar issues to those before this Court in this
21 action. The Motion to Compel Murray, the Motion to Compel WSGR, and the Motion to Strike
22 may also involve similar issues. Specifically, these motions concern whether SRA's counsel may
23 represent Site Technologies, Inc. and assert the privilege on its behalf. Finally, the Motion to
24 Quash and the Motion to Dismiss may be related and involve similar issues. Specifically, the
25 Motion to Dismiss questions the sufficiency of SRA's contacts with this forum for jurisdictional
26 purposes, while the Motion to Quash questions whether Plaintiffs may conduct a Rule 30(b)(6)
27 deposition of SRA to oppose the Motion to Dismiss.

1 Assignment of the miscellaneous action to this Court will conserve judicial resources. It
2 would be efficient to schedule the hearing of all of these motions together.

3 The parties, along with counsel for Murray & Murray P.C. and Wilson, Sonsini, Goodrich
4 & Rosati, therefore respectfully request that the Court assign Miscellaneous Action No. C-09-
5 80004 to this Court and also schedule the Motion to Dismiss, Motion to Strike, Motion to Quash,
6 Motion to Compel Murray, and Motion to Compel WSGR for hearing on the same day.

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8 Dated: January 29, 2009

Respectfully submitted,

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DECLARATION OF CONSENT

Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under penalty of perjury that concurrence in the filing of this document has been obtained from counsel listed above.

Dated: January 29, 2009

By: /s/ Richard S.J. Hung