

1 GIBSON, DUNN & CRUTCHER LLP  
 2 S. ASHLIE BERINGER, SBN 263977  
 3 ABERINGER@gibsondunn.com  
 4 WAYNE BARSKY, SBN 116731  
 5 WBarsky@gibsondunn.com  
 6 1881 Page Mill Road  
 7 Palo Alto, California 94304  
 8 Telephone: 650.849.5300  
 9 Facsimile: 650.849.5333

10 Attorneys for Plaintiff  
 11 BE IN, INC., a New York corporation

12 UNITED STATES DISTRICT COURT  
 13 NORTHERN DISTRICT OF CALIFORNIA  
 14 SAN JOSE DIVISION

12 BE IN, INC.,	)	Case No.: 5:12-CV-03373-LHK
	)	
13 Plaintiff,	)	<b>NOTICE OF WITHDRAWAL AND</b>
	)	<b>SUBSTITUTION OF COUNSEL;</b>
14 v.	)	<b>[PROPOSED] ORDER</b>
	)	
15 GOOGLE, INC., a California corporation,	)	Judge: Hon. Lucy H. Koh
16 RICHARD ROBINSON, and DOES 1 through 3,	)	
17 inclusive,	)	
	)	
18 Defendants.	)	
	)	
	)	

19  
 20 PLEASE TAKE NOTICE that Plaintiff Be In, Inc. has retained Gibson, Dunn & Crutcher  
 21 LLP to substitute as counsel for Davis Wright Tremaine LLP and Clifford Chance US LLP in the  
 22 above-captioned matter. Withdrawing counsel for Plaintiff Be In, Inc. are:

23 Joseph E. Addiego III (CA State Bar No. 169522)  
 24 DAVIS WRIGHT TREMAINE LLP  
 25 505 Montgomery Street, Suite 800  
 26 San Francisco, California 94111  
 27 Telephone: (415) 276-6500  
 28 Facsimile: (415) 276-6599

1 William E Wallace III  
2 CLIFFORD CHANCE US LLP  
3 2001 K Street, N.W.  
4 Washington, D.C. 20006  
5 Telephone: (202) 912-5045  
6 Facsimile: (202) 912-6000

7 Stephen M. Nickelsburg  
8 CLIFFORD CHANCE US LLP  
9 2001 K Street, N.W.  
10 Washington, D.C. 20006  
11 Telephone: (202) 912-5108  
12 Facsimile: (202) 912-6000

13 Roni E. Bergoffen  
14 CLIFFORD CHANCE US LLP  
15 2001 K Street, N.W.  
16 Washington, D.C. 20006  
17 Telephone: (202) 912-5031  
18 Facsimile: (202) 912-6000

19 All pleadings, orders and notices should henceforth be served upon the following substituted  
20 counsel for Plaintiff Be In, Inc.:

21 S. Ashlie Beringer  
22 Gibson, Dunn & Crutcher LLP  
23 1881 Page Mill Road  
24 Palo Alto, CA 94304  
25 Phone: (650) 849-5300  
26 Fax: (650) 849-5333  
27 Email: ABeringer@gibsondunn.com

28 Wayne Barsky  
Gibson, Dunn & Crutcher LLP  
2029 Century Park East, Suite 4000  
Los Angeles, CA 90067  
Phone: (310) 552-8500  
Fax: (310) 551-8741  
Email: wbarsky@gibsondunn.com

1 The undersigned parties consent to the above withdrawal and substitution of counsel.

2  
3 DATED: March 6, 2013

BE IN, INC.

4 By: \_\_\_\_\_ /s/  
5 ALESSANDRO NOMELLINI,  
6 CHIEF FINANCIAL OFFICER AND  
EXECUTIVE DIRECTOR

7 DATED: March 6, 2013

DAVIS WRIGHT TREMAINE LLP

8 By: \_\_\_\_\_ /s/  
9 JOSEPH E. ADDIEGO III

10 DATED: March 6, 2013

CLIFFORD CHANCE US LLP

11 By: \_\_\_\_\_ /s/  
12 WILLIAM E. WALLACE III

13 DATED: March 6, 2013

GIBSON, DUNN & CRUTCHER LLP

14 By: \_\_\_\_\_ /s/  
15 S. ASHLIE BERINGER

16  
17 I hereby attest that I obtained concurrence in the filing of this document from each of the  
18 other signatories on this e-filed document.

19 DATED: March 6, 2013

GIBSON, DUNN & CRUTCHER LLP

20 By: \_\_\_\_\_ /s/  
21 S. ASHLIE BERINGER

22  
23  
24 The above withdrawal and substitution of counsel is approved and so ORDERED.

25 DATED: \_\_\_\_\_

26 \_\_\_\_\_  
27 JUDGE OF THE UNITED STATES DISTRICT  
28 COURT

1 **DECLARATION OF SERVICE**

2 I, S. Ashlie Beringer, declare as follows:

3 I am employed in the County of Santa Clara, State of California; I am over the age of eighteen  
4 years and am not a party to this action; my business address is 1881 Page Mill Road, Palo Alto,  
5 California 94304, in said County and State. On March 6, 2013, I served the within **NOTICE OF**  
6 **WITHDRAWAL AND SUBSTITUTION OF COUNSEL; [PROPOSED] ORDER** to all named  
7 counsel of record as follows:



**BY ECF (ELECTRONIC CASE FILING):** I e-filed the above-detailed documents utilizing the  
9 United States District Court, Northern District of California’s mandated ECF (Electronic Case Filing)  
10 service. Counsel of record are required by the Court to be registered e-filers, and as such are automatically e-  
11 served with a copy of the documents upon confirmation of e-filing.

12 I certify under penalty of perjury that the foregoing is true and correct, that the foregoing  
13 document(s) were printed on recycled paper, and that this Declaration of Service was executed by the  
14 undersigned on March 6, 2013, at Palo Alto, California.

15 \_\_\_\_\_  
16 /s/

S. ASHLIE BERINGER