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Jennifer P. Estremera, SBN 251076
MCKOOL SMITH, P.C.
255 Shoreline Drive, Suite 510
Redwood Shores, California 94065
Tel: (650) 394-1414; Fax: (650) 394-1422
jestremera@mckoolsmith.com

John B. Campbell, TX SBN 24036314
(admitted Pro Hac Vice)
James E. Quigley, TX SBN 24075810
(admitted Pro Hac Vice)
MCKOOL SMITH, P.C.
300 West 6th Street, Suite 1700
Austin, Texas 78701
Tel. (512) 692-8700; Fax: (512) 692-8744
jbcampbell@mckoolsmith.com
jquigley@mckoolsmith.com

QUINN EMANUEL URQUHART &
SULLIVAN, LLP
Charles K. Verhoeven (Cal. Bar No. 170151)
David A. Perlson (Cal. Bar No. 209502)
Michael D. Powell (Cal. Bar No. 202850)
Carl G. Anderson (CA Bar No. 239927)
Lindsay M. Cooper (Cal. Bar No. 287125)
Felipe Corredor (Cal. Bar No. 295692)
qe-eolas@quinnemanuel.com
50 California Street, 22nd Floor
San Francisco, California 94111
(415) 875-6600
(415) 875-6700 facsimile

Attorneys for Plaintiff Google LLC

Attorneys for Defendant
Eolas Technologies Incorporated

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MCKOOL SMITH, P.C.
AUSTIN, TX

GOOGLE LLC,)
)
 Plaintiff,)
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 v.)
)
 EOLAS TECHNOLOGIES INCORPORATED,)
)
 Defendant.)
)
)
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)
)

Case No. 3:15-cv-05446-JST
JOINT STIPULATION AND
[PROPOSED] ORDER
Judge: Hon. Jon S. Tigar

1 Pursuant to the Court’s order entered on August 2, 2018, Defendant Eolas Technologies
2 Incorporated (“Eolas”)¹ and Plaintiff Google LLC (“Google”), by and through their respective
3 attorneys, hereby submit the following Joint Stipulation, as follows:

4 WHEREAS, the Court ordered on July 25, 2018 that “It appears to the Court that this case,
5 Google v. Eolas, 15-cv-5446-JST, is identical to Google v. Eolas, 17-cv-1138-JST. Unless any party
6 objects by August 1, 2018 and persuades the Court otherwise, the Court will close this case” Dkt. 97.

7 WHEREAS, Google filed an objection to the Court’s July 25, 2018 order on August 1, 2018.
8 Dkt. 98.

9 WHEREAS, the Court ordered on August 2, 2018 that “By August 8, 2018, Defendants are
10 ordered to file either a stipulated proposed order consolidating this case with Eolas Technologies,
11 Inc. v Google LLC, 17-cv-1138, or an objection to Google’s request to consolidate. ECF No. 98.”
12 Dkt. 99.

13 WHEREAS, the parties have conferred and do not object to this case being consolidated with
14 Eolas Technologies, Inc. v Google LLC, 17-cv-1138.²

15 THEREFORE, the parties submit the attached stipulated proposed order.

16 DATED: August 8, 2018

17 Respectfully submitted,

18 MCKOOL SMITH, P.C.

19 By /s John B. Campbell
John B. Campbell
Attorneys for Eolas Technologies Incorporated

20 QUINN EMANUEL URQUHART & SULLIVAN, LLP

21 By /s David A. Perlson
David A. Perlson
Attorney for Google LLC

22 **SIGNATURE ATTESTATION**

23 _____
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25
26 ¹ In its order, the court referred to “Defendants,” but Eolas is the only defendant in this -05446
27 action.

28 ² Eolas believes that, given its first-filed nature, the -1138 case should be the lead case upon
consolidation. See Dkt. 73 at 11-14. Google disputes that the -1138 case is the first-filed case for at
least the reasons set forth in its Opposition to Eolas’s Motion to Dismiss. See Dkt. 53-4 at 20-25.

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I, John B. Campbell, am the ECF user whose userid and password authorized the filing of this document. Under Civil L.R. 5-1(i)(3), I attest that the above signatories have concurred and consented to the filing of this document.

DATED: August 8, 2018

/s/ John B. Campbell
John B. Campbell

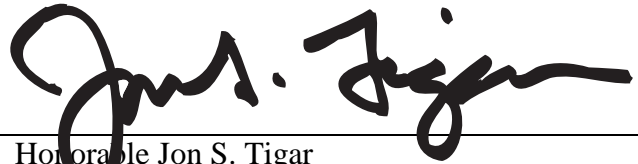
PROPOSED ORDER

Defendant Eolas Technologies Incorporated and Plaintiff Google LLC have stipulated to the consolidation of this case with Eolas Technologies, Inc. v Google LLC, 17-cv-1138.

The stipulation is GRANTED. Google LLC v. Eolas Technologies, Inc., 15-cv-5446 is consolidated with Eolas Technologies, Inc. v Google LLC, 17-cv-1138, with Eolas Technologies, Inc. v Google LLC, 17-cv-1138.

PURSUANT TO THE PARTIES' STIPULATION, IT IS SO ORDERED.

DATED: August 9, 2018



Honorable Jon S. Tigar
United States District Judge

McKool Smith, P.C.
Austin, TX

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