

1 [JOINT FILING - SEE SIGNATURE PAGE FOR COUNSEL]

2  
3 **IN THE UNITED STATES DISTRICT COURT**  
4 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
5 **OAKLAND DIVISION**

6  
7 eBay Inc. and Microsoft Corporation,  
8 *Plaintiffs and Counterclaim-*  
9 *Defendants,*

10 vs.

11 PartsRiver, Inc. and Kelora Systems, LLC,  
12 *Defendants and Counterclaim-*  
13 *Plaintiff.*

No. 4:10-cv-4947-CW (filed Nov. 2, 2010)

**STIPULATION AND ORDER  
RELATING CASES**

**[CIVIL L.R. 3-12 AND 7-12]**

14 **STIPULATION**

15 Pursuant to Civil Local Rule 3-12(b) and Civil Local Rule 7-12, Kelora Systems, LLC and  
16 Cabela's, Inc. file this stipulation and proposed order asking the Court to consider whether the  
17 following actions are related:

18 1. This action: *eBay Inc. and Microsoft Corp. v. PartsRiver, Inc. and Kelora Systems,*  
19 *LLC*, No. 4:10-cv-4947-CW (filed Nov. 2, 2010);

20 2. New action: *Cabela's, Inc. v. Kelora Systems, LLC*, No. 3:11-cv-1398-WHA  
21 (filed Mar. 23, 2011).

22 3. First-filed case to which this action was previously related by this Court:  
23 *PartsRiver, Inc., v. Shopzilla, Inc.; Yahoo! Inc.; eBay Inc.; and Microsoft Corporation*, No. 4:09-  
24 cv-00811-CW (filed Feb. 25, 2009) ("Case No. 09-811").

25 4. Other actions previously related to Case No. 09-811 per this Court's orders: *eBay*  
26 *Inc. v. PartsRiver, Inc. and Kelora Systems, LLC*, No. 4:10-cv-5106-CW (filed Nov. 10, 2010);  
27 and *Microsoft Corp. v. PartsRiver, Inc. and Kelora Systems, LLC*, No. 4:10-cv-5108-CW (filed  
28 Nov. 10, 2010); and *Shopzilla, Inc. v. Kelora Systems, LLC*, No. 4: 11-cv-00502-CW (filed Feb.  
2, 2011).

1 All of the above-referenced actions concern United States Patent No. 6,275,821. The new  
2 action filed on March 23, 2011, concerns Kelora Systems, LLC, a party to the actions previously  
3 related to Case No. 09-811 per this Court's orders. Cabela's Inc. is a declaratory relief plaintiff in  
4 the new action.

5 Kelora and Cabela's therefore agree that the actions listed above are "related" as defined  
6 by Civil Local Rule 3-12(a), and that the new action filed March 23, 2011, should be reassigned  
7 to the judge presiding over the first-filed action (Case No. 09-811): Judge Wilken in the Oakland  
8 Division.

9 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

10 Dated: April 8, 2011

By: /s/ Robert D. Becker

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19 Dated: April 8, 2011

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**ORDER RELATING CASES**

As the judge assigned to the earliest filed case below that bears my initials, I find that the recently filed case that I have initialed below is related under Civil Local Rule 3-12 to the cases below already assigned to me, and this recently filed case shall be reassigned to me.

Original and previously related cases:

*PartsRiver, Inc., v. Shopzilla, Inc.; Yahoo! Inc.; eBay Inc.; and Microsoft Corporation*, No. 4:09-cv-00811-CW (filed Feb. 25, 2009);

*eBay Inc. and Microsoft Corp. v. PartsRiver, Inc. and Kelora Systems, LLC*, No. 4:10-cv-4947-CW (filed Nov. 2, 2010);

*eBay Inc. v. PartsRiver, Inc. and Kelora Systems, LLC*, No. 4:10-cv-5106-CW (filed Nov. 10, 2010);

*Microsoft Corp. v. PartsRiver, Inc. and Kelora Systems, LLC*, No. 4:10-cv-5108-CW (filed Nov. 10, 2010);

*Shopzilla, Inc. v. Kelora Systems, LLC*, No. 4:11-cv-00502-CW (filed Feb. 2, 2011).

*Cabela's, Inc. v. Kelora Systems, LLC*, No. 3:11-cv-1398-WHA (filed Mar. 23, 2011).

I find that the above case is related to the cases assigned to me. \_\_\_\_\_

SO ORDERED.

Dated: 4/11/2011



CLAUDIA WILKEN

United States District Judge

300237256.1

1 **PROOF OF SERVICE**

2 I, Nancy A. Nelson, declare:

3 I am a citizen of the United States and employed in Santa Clara County, California. I am  
4 over the age of eighteen years and not a party to the within-entitled action. My business address  
5 is 1001 Page Mill Road, Building 2, Palo Alto, California 94304. On April 8, 2011, I served a  
6 copy of the within document(s):

7 **STIPULATION AND [PROPOSED] ORDER RELATING CASES**

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29 **Electronic Mail Notice List**

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 8, 2011, at Palo Alto, California.

/s/ Nancy A. Nelson  
Nancy A. Nelson

**SIGNATURE ATTESTATION**

Pursuant to General Order No. 45(X)(B), I hereby certify that concurrence in the filing of this document has been obtained from each of the other signatories shown above.

/s/ Robert D. Becker  
Robert D. Becker