

1 [JOINT FILING — SEE SIGNATURE PAGE FOR COUNSEL]

2
3 UNITED STATES DISTRICT COURT
4 NORTHERN DISTRICT OF CALIFORNIA
5 OAKLAND DIVISION

6 PartsRiver, Inc.,) No. 4:09-cv-00811-CW (filed Feb. 25, 2009)
7 *Plaintiff,*)
8 vs.) **JOINT STIPULATION AND ORDER**
9 Shopzilla, Inc.; Yahoo! Inc.; eBay Inc.; and) **RELATING CASES**
10 Microsoft Corporation,) **[Civil L.R. 3-12 and 7-12]**
11 *Defendants.*)

12 eBay Inc. and Microsoft Corporation,) No. 4:10-cv-4947-CW (filed Nov. 2, 2010)
13 *Plaintiffs,*)
14 vs.)
15 PartsRiver, Inc. and Kelora Systems, LLC,)
16 *Defendants.*)

17 eBay Inc.,) No. 4:10-cv-5106-CW (filed Nov. 10, 2010)
18 *Plaintiff,*)
19 vs.)
20 PartsRiver, Inc. and Kelora Systems, LLC,)
21 *Defendants.*)

22 Microsoft Corporation,) No. 4:10-cv-5108-CW (filed Nov. 10, 2010)
23 *Plaintiff,*)
24 vs.)
25 PartsRiver, Inc. and Kelora Systems, LLC,)
26 *Defendants.*)

27 Shopzilla, Inc.,) Proposed related case:
28 *Plaintiff,*) No. 4:11-cv-00502-LB (filed Feb. 2, 2011)
vs.)
Kelora Systems, LLC,)
Defendant.)

1 **JOINT STIPULATION**

2 Pursuant to Civil Local Rule 3-12(b) and Civil Local Rule 7-12, PartsRiver, Inc.; Kelora
3 Systems, LLC; Shopzilla, Inc.; Yahoo! Inc.; eBay Inc.; and Microsoft Corporation file this
4 stipulation and proposed order asking the Court to consider whether the following actions are
5 related:

- 6 1. **This action:** *PartsRiver, Inc., v. Shopzilla, Inc.; Yahoo! Inc.; eBay Inc.; and Microsoft*
7 *Corporation*, No. 4:09-cv-00811-CW (filed Feb. 25, 2009).
- 8 2. **Actions previously related per this Court’s January 10, 2011, order (Dkt. No. 267):**
9 *eBay Inc. and Microsoft Corp. v. PartsRiver, Inc. and Kelora Systems, LLC*, No. 4:10-cv-
10 4947-CW (filed Nov. 2, 2010); *eBay Inc. v. PartsRiver, Inc. and Kelora Systems, LLC*,
11 No. 4:10-cv-5106-CW (filed Nov. 10, 2010); *Microsoft Corp. v. PartsRiver, Inc. and*
12 *Kelora Systems, LLC*, No. 4:10-cv-5108-CW (filed Nov. 10, 2010).
- 13 3. **New:** *Shopzilla, Inc. v. Kelora Systems, LLC*, No. 4:11-cv-00502-LB (filed Feb. 2, 2011).

14 All of the above-referenced actions concern United States Patent No. 6,275,821 (“821
15 Patent”). The new action filed on February 2, 2011, concerns Shopzilla, Inc., a party to the original
16 action filed February 25, 2009, and Kelora Systems, LLC, a party to the actions previously related
17 pursuant to this Court’s January 10, 2011, order (Dkt. No. 267). eBay, Inc., and Microsoft
18 Corporation are declaratory relief plaintiffs in the previously related actions, and are co-defendants
19 with Shopzilla in this action.

20 All current parties therefore agree that the actions listed above are “related” as defined by
21 Civil Local Rule 3-12(a), and that the new action filed February 2, 2011, should be reassigned to the
22 judge presiding over the first-filed action: Judge Wilken in the Oakland Division.
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1 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

2
3 Dated: February 14, 2011

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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/ Eric M. Hutchins

1 **ORDER RELATING CASES**

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

5 Original and previously related cases: *PartsRiver, Inc., v. Shopzilla, Inc.; Yahoo! Inc.; eBay*
6 *Inc.; and Microsoft Corporation*, No. 4:09-cv-00811-CW (filed Feb. 25, 2009); *eBay Inc. and*
7 *Microsoft Corp. v. PartsRiver, Inc. and Kelora Systems, LLC*, No. 4:10-cv-4947-CW (filed Nov. 2,
8 2010); *eBay Inc. v. PartsRiver, Inc. and Kelora Systems, LLC*, No. 4:10-cv-5106-CW (filed Nov. 10,
9 2010); *Microsoft Corp. v. PartsRiver, Inc. and Kelora Systems, LLC*, No. 4:10-cv-5108-CW (filed
10 Nov. 10, 2010).

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

13 I find that the above case is related to the cases assigned to me. **CW**

14
15 SO ORDERED.

16 Dated: 2/15/2011

17 
18 CLAUDIA WILKEN
United States District Judge

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