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

14 DIGITAL ENVOY, INC.,
 15 Plaintiff/Counter defendant,
 16 v.
 17 GOOGLE, INC.,
 18 Defendant/Counterclaimant.
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Case No. C 04 01497 RS

**[PROPOSED] ORDER GRANTING
 DIGITAL ENVOY'S NOTICE OF
 MOTION AND MOTION FOR
 SANCTIONS AGAINST GOOGLE, INC.**

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Before the Court is plaintiff and counterdefendant Digital Envoy's Motion For Sanctions Against Google, Inc. pursuant to Fed. R. Civ. P. 37(a) and Civil Local Rules 7-8 and 37-4. Having considered the parties' moving and opposing papers and heard the argument of counsel, the Court

ORDERS THAT,

1. Digital Envoy's Motion For Sanctions Against Google, Inc. is GRANTED. Google is order to pay Digital Envoy \$4,758.50 in attorney's fees pursuant to Fed. R. Civ. P. 37(a)(4).

DATED: June __, 2005

By

The Honorable Richard Seeborg
United States Magistrate Judge