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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.

Case No. C 04 01497 RS

**[PROPOSED] ORDER GRANTING
 DIGITAL ENVOY, INC.'S RULE 56(F)
 MOTION**

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Before the Court is plaintiff and counterdefendant Digital Envoy, Inc.'s Rule 56(f) Motion seeking a continuance of Google's motions for summary judgment until such time as the completion of fact discovery and a ruling on Digital Envoy's Motion to Compel. Having considered the parties' moving and opposing papers and heard the argument of counsel, the Court **ORDERS THAT,**

1. Digital Envoy's Rule 56(f) Motion is GRANTED. Google's two pending motions for summary judgment are continued until _____, 2005 at 9:30 a.m.

DATED: May __, 2005

By _____
The Honorable Richard Seeborg
United States Magistrate Judge