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7  
 8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA  
 10 SAN JOSE DIVISION

11	DIGITAL ENVOY, INC.,	)	CASE NO.: C 04 01497 RS
12		)	
13	Plaintiff/Counterdefendant,	)	<b>[PROPOSED]</b>
14	v.	)	<b>ORDER GRANTING GOOGLE</b>
15		)	<b>INC.'S MOTION TO PRECLUDE</b>
16	GOOGLE INC.,	)	<b>AND/OR TO COMPEL</b>
17		)	Judge: Hon. Richard Seeborg
18	Defendant/Counterclaimant.	)	Courtroom: 4, 5th Floor
19		)	Date: June 22, 2005
20		)	Time: 9:30 a.m.
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22		)	
23		)	
24		)	
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26		)	
27		)	
28		)	

1 Defendant and counterclaimant Google Inc.'s ("Google") Motion to Preclude and/or  
2 Compel came for hearing before this Court on June 22, 2005.

3 After consideration of the papers filed in connection with the motion, the argument of  
4 counsel, and all other matters presented to the Court, and good cause appearing therefore,

5 IT IS HEREBY ORDERED THAT: Google's motion is GRANTED.

6 Pursuant to Fed. R. Civ. Proc 37(c), Digital Envoy shall not offer at trial or any future  
7 proceeding in this case, evidence in support of the contentions specified in Google Interrogatory  
8 Nos. 8-10, 19;

9 OR

10 Pursuant to Fed. R. Civ. Proc 37(c), Digital Envoy shall provide complete and  
11 substantive further responses, without objection, to Google Interrogatory Nos. 8-10 and within  
12 ten days of the date of this Order, and shall be barred from offering at trial or any future  
13 proceeding in this case, any evidence not provided in those further responses.

14 AND

15 Digital Envoy shall provide further responses, without objection, to Google's Requests  
16 for Admission Nos. 3-4, and, if applicable, a complete and substantive further response, without  
17 objection, to Google Interrogatory No. 20, both within ten days of the date of this Order.

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21  
22 Dated: \_\_\_\_\_, 2005

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The Honorable Richard Seeborg  
United States District Magistrate Judge