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 6 Attorneys for Plaintiff  
 Google Inc.

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

11	GOOGLE INC.,	)	CASE NO.: C 04 01497 RS
		)	
12	Plaintiff,	)	<b>STIPULATION AND [PROPOSED]</b>
		)	<b>ORDER REALIGNING PARTIES</b>
13	v.	)	<b>AND WITHDRAWING MOTION</b>
		)	<b>TO TRANSFER AND/OR STAY</b>
14	DIGITAL ENVOY, INC.,	)	
		)	
15	Defendant.	)	
		)	
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 18 The parties, through their undersigned counsel, stipulate and agree as follows:  
 19 1. Digital Envoy's pending motion to dismiss for improper venue or, in the  
 20 alternative, to stay the instant action is hereby withdrawn and the associated hearing date is  
 21 hereby vacated;  
 22 2. Digital Envoy is hereby reclassified as the plaintiff/counterdefendant in this action  
 23 and the counterclaims asserted against Google in Digital Envoy's Answer are hereby reclassified  
 24 as Digital Envoy's claims against Google;  
 25 3. Google is hereby reclassified as the defendant/counterclaimant in this action and  
 26 the claims asserted against Digital Envoy in Google's Complaint are hereby reclassified as  
 27 Google's counterclaims against Digital Envoy;

28 STIPULATION AND [PROPOSED] ORDER  
 REALIGNING PARTIES AND WITHDRAWING  
 MOTION TO TRANSFER/STAY  
 Case No: C 04 01497 RS



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**CERTIFICATION**

I, David L. Lansky, am the ECF User whose identification and password are being used to file this Stipulation and [Proposed] Order Realigning Parties and Withdrawing Motion to Transfer and/or Stay. In compliance with General Order 45.X.B, I hereby attest that both parties have concurred in this filing.

DATED: June 24, 2004

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

By: \_\_\_\_\_ /s/ David L. Lansky  
David L. Lansky  
Attorneys for Google Inc.