

1 DAVID H. KRAMER, State Bar No. 168452
 2 DAVID L. LANSKY, State Bar No. 199952
 3 WILSON SONSINI GOODRICH & ROSATI
 Professional Corporation
 4 650 Page Mill Road
 Palo Alto, CA 94304-1050
 Telephone: (650) 493-9300
 Facsimile: (650) 565-5100
 5
 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,)	STIPULATION AND
)	ORDER REALIGNING PARTIES
13	v.)	AND WITHDRAWING MOTION
)	TO TRANSFER AND/OR STAY
14	DIGITAL ENVOY, INC.,)	
)	
15	Defendant.)	
)	
16	_____)		

17
 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 20 alternative, to stay the instant action is hereby withdrawn and the associated hearing date is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

1 4. On a going forward basis, the caption of this litigation will be modified to reflect
2 the realignment of parties; and

3 5. Except as provided for in paragraph 1 herein, all pending dates, deadlines and
4 periods of time in this case shall remain unchanged and be unaffected by the reclassification of
5 the parties.

6
7 IT IS SO STIPULATED:

8 Dated: June 24, 2004

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation
David H. Kramer
David L. Lansky
650 Page Mill Road
Palo Alto, CA 94304
Telephone: (650) 493-9300
Facsimile: (650) 565-5100

9
10
11
12
13 By: /s/ David L. Lansky
David L. Lansky
Attorneys for Google Inc.

14
15 Dated: June 24, 2004

16 SHEPPARD, MULLIN, RICHTER &
HAMPTON LLP
17 P. Craig Cardon
Brian R. Blackman
Kendall M. Burton
18 Four Embarcadero Center, 17th Floor
San Francisco, CA 94111-4106
19 Telephone: (415) 434-9100
20 Facsimile: (415) 434-3947

21 By: /s/ P. Craig Cardon
P. Craig Cardon
22 Attorneys for Digital Envoy, Inc.

23 ~~XXXXXXXXXX~~
24 **[PROPOSED] ORDER**

25 Upon Stipulation of the Parties and good cause appearing therefor, IT IS SO ORDERED.

26 DATED: 6/28/04

 /s/ Richard Seeborg
Honorable Richard Seeborg
United States Magistrate Judge

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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.