

1 DAVID H. KRAMER, State Bar No. 168452
2 WILSON SONSINI GOODRICH & ROSATI
3 Professional Corporation
4 650 Page Mill Road
5 Palo Alto, CA 94304-1050
6 Telephone: (650) 493-9300
7 Facsimile: (650) 565-5100

8 Attorneys for Defendant/Counterclaimant
9 Google Inc.

10 P. CRAIG CARDON
11 BRIAN R. BLACKMAN
12 KENDALL M. BURTON
13 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
14 Four Embarcadero Center, 17th Floor
15 San Francisco, CA 94111-4106
16 Telephone: (415) 434-9100
17 Facsimile: (415) 434-3947

18 Attorneys for Plaintiff/Counterdefendant
19 Digital Envoy, Inc.

20 UNITED STATES DISTRICT COURT
21 NORTHERN DISTRICT OF CALIFORNIA
22 SAN JOSE DIVISION

23 DIGITAL ENVOY, INC.,) CASE NO.: C 04 01497 RS
24)
25 Plaintiff/Counterdefendant,) **STIPULATION AND [PROPOSED]**
26) **ORDER SELECTING ADR**
27 v.) **PROCESS**
28)
29 GOOGLE INC.,) **ADR CERTIFICATION**
30)
31 Defendant/Counterclaimant.)
32)
33)

34 The parties stipulate to participate in the following ADR process:

35 **Court Processes:**

36 ___ Arbitration ___ ENE ___ Mediation

37 **Private Process:**

38 X Private ADR.

1 The parties have agreed to pursue ADR through a private process, such as Judicial
2 Arbitration & Mediation Services (“JAMS”), by December 15, 2004.

3 Dated: August 12, 2004

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

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By: /s/ David H. Kramer
David H. Kramer
Attorneys for Google Inc.

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10 Dated: August 12, 2004

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

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

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SO ORDERED.

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DATED: _____

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Honorable Richard Seeborg
United States Magistrate Judge

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1 **SIGNATURE AND CERTIFICATION BY PARTIES AND LEAD TRIAL COUNSEL**

2 Pursuant to Civ. L.R. 16 and ADR L.R. 3-5(b), each of the undersigned certifies that he
3 or she has read either the handbook entitled "Dispute Resolution Procedures in the Northern
4 District of California," or the specified portions of the ADR Unit's Internet site
5 <http://www.adr.cand.uscourts.gov/>, discussed the available dispute resolution options provided
6 by the court and private entities, and considered whether this case might benefit from any of
7 them.

8
9 **FOR GOOGLE INC.**

10 Dated: August 12, 2004

/s/ David H. Kramer

David H. Kramer

11
12 WILSON SONSINI GOODRICH & ROSATI, P.C.
Counsel for Google Inc.

13
14 Dated: August 12, 2004

/s/ Michael Kwun

Michael Kwun, for Google Inc.

15
16 **FOR DIGITAL ENVOY, INC.**

17 Dated: August 12, 2004

/s/ P. Craig Cardon

P. Craig Cardon

18
19 SHEPPARD, MULLIN, RICHTER &
HAMPTON LLP
20 Counsel for Digital Envoy, Inc.

21 Dated: August 12, 2004

/s/ Rob Friedman

Rob Friedman, for Digital Envoy, Inc.

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CERTIFICATION

I, David H. Kramer, am the ECF User whose identification and password are being used to file this Stipulation and [Proposed] Order Selecting ADR Process. In compliance with General Order 45.X.B, I hereby attest that both parties have concurred in this filing.

DATED: August 12, 2004

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

By: /s/ David H. Kramer
David H. Kramer
Attorneys for Google Inc